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Constitutional amendments & authorizing legislation

HB 101 Constitutional amendment; marriage may exist only between a man and woman.

An Act to provide for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." Identical to SB 526. See HJ 41.

HB 1382 Constitutional amendment; prohibits General Assembly from incorporating churches.

An Act to provide for a referendum at the November 2006 election on approval of a proposed constitutional amendment relating to incorporation of churches. The proposed amendment deletes language that prohibits the General Assembly from granting charters of incorporation to churches. This prohibition was held to be unconstitutional in 2002 by the United States District Court for the Western District of Virginia in *Falwell v. Miller* (203 F.Supp. 2d 624). This amendment deletes the now obsolete language and makes no change in current law. See HJ 159.

HJ 41 Constitutional amendment (second resolution); marriage.

Provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from

creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." Identical to SJ 92.

HJ 159 Constitutional amendment; incorporating churches.

Deletes language that prohibits the General Assembly from granting charters of incorporation to churches. This prohibition was held to be unconstitutional in 2002 by the United States District Court for the Western District of Virginia in *Falwell v. Miller* (203 F.Supp. 2d 624). The Court held that the prohibition against incorporation of churches violated the plaintiff church's First Amendment right to the free exercise of religion. Since that case, the State Corporation Commission has granted charters to churches. This amendment deletes the now obsolete language and makes no change in current law.

SB 357 Constitutional amendment; exempts certain property from taxation.

An Act to provide for a referendum at the November 2006 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxes for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas. See SJ 87.

SB 358 Real estate tax; exemption in redevelopment or conservation areas, etc.

Adds § 58.1-3219.4 to authorize local governing bodies to provide for the partial exemption from taxation of (i) new structures located in redevelopment or conservation areas or rehabilitation districts and (ii) other improvements to real estate located in redevelopment or conservation areas or rehabilitation districts. The partial exemption would be a percentage of the increase in assessed value as a result of the new structure or improvement or an amount not to exceed 50 percent of the construction cost of such structure or improvement. The local governing body would be allowed to establish criteria for qualifying real estate including, but not limited to, the square footage for new structures. The bill is contingent on a constitutional amendment (SJ 87) authorizing the exemption.

SB 526 Constitutional amendment; marriage may exist only between a man and woman.

See summary for HB 101, which is an identical bill.

SJ 87 Constitutional amendment; localities to be partially exempt from real property tax.

Authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxation for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas.

SJ 92 Constitutional amendment (second resolution); marriage.

See summary for HJ 41, which is identical.

Economic development

HB 400 High-speed and broadband Internet access; accessibility in underserved areas.

Amends §§ 2.2-115 and 2.2-2238.1 to add a provision in the Governor's Development Opportunity Fund to allow grants or loans for installing, extending, or increasing the capacity of high-speed or broadband Internet access. The Virginia Economic Development Partnership Authority is required to review and evaluate existing industrial sites and infrastructure that will provide internet access to rural and underserved areas.

HB 518 Tourism zones, local; county, city, or town to establish by local ordinance.

Adds § 58.1-3851 to allow any county, city, or town to establish, by local ordinance, a local tourism zone with tax incentives and regulatory flexibility.

HB 909 Enterprise zone job creation grants; definition of grant eligible positions.

Amends § 59.1-547 to provide that personal service providers would not be eligible for enterprise zone grants. Currently, "local service" providers are not eligible, causing confusion over the definition.

HB 1171 Board and commission, local; removal of certain members.

Amends §§ 15.2-2212, 15.2-4904 and 28.2-1303 to provide that a local governing body may remove, without limitation, any member of a local industrial development authority, planning commission, or wetlands board who misses any three meetings in a row, or any four meetings in any 12-month period.

HB 1233 Manufacturing Development Commission; created, report.

Adds §§ 30-266, 30-267, and 30-268 to establish the Manufacturing Development Commission as a legislative commission to assess the manufacturing needs in the Commonwealth and formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia. The provisions of this act expire on July 1, 2009. Among other duties, the Commission is charged with considering the effect of local and state tax policies; regulatory compliance costs; research and development investment, energy, transportation, and workforce training policies and costs on the manufacturing sector; and recommending the appropriate role for state and local governments in ensuring the future of the manufacturing sector in the Commonwealth. Identical to SB 261.

HB 1440 Sesquicentennial American Civil War Commission and Fund; created, report.

Adds §§ 30-266 through 30-274 to establish the Virginia Sesquicentennial American Civil War Commission to prepare for and commemorate the 150th anniversary of Virginia's participation in the American Civil War.

SB 109 Governor's Development Opportunity Fund; changes thereto.

Amends § 2.2-115 to make several changes to the Governor's Development Opportunity Fund including prohibiting awards from the Fund being used to pay or guarantee the payment for any rental, lease, license, or other contractual right to use property. For each five fiscal-year period, one-third of the moneys in the Fund must be used for economic development projects in high unemployment areas. That distribution, however, would not be required if economic development prospects in such high unemployment areas are unable to fulfill applicable minimum private investment and new jobs requirements. As a condition of an award from the Fund, the average wage of new jobs created must be no less than the prevailing average wage in the county or city. However, for economic development projects located in a county or city with an annual average unemployment rate greater than the statewide average unemployment rate, the average wage of the new jobs must be at least 85% of the prevailing average wage, but the Governor may award a grant or loan from the Fund for projects paying less than 85% of the prevailing average if the Secretary of Commerce and Trade makes a written finding that the economic circumstances in the area are sufficiently distressed that assistance to the county or city to attract the project is nonetheless justified. As another

condition of eligibility of an award from the Fund, several elements must be included in a contract between the political subdivision and the economic development prospect. These include the fair market value of all funds that the Commonwealth commits to the project, the fair market value of all funds that the political subdivision commits to the project, and a negotiated formula for the repayment of moneys from the Fund if the economic development prospect does not create the contractually required number of new jobs or does not satisfy minimum investment requirements.

The bill also establishes a state policy that the Fund will not be used to assist a prospect in moving jobs from on Virginia locality to another.

The bill requires all proposed contracts between political subdivisions and economic development prospects that include awards from the Fund to be reviewed by the Attorney General prior to execution. The Attorney General will review the contract for enforceability of its provisions, and to ensure that it is in appropriate legal form. The Attorney General will have seven days to provide any written suggestions, but the suggestions must be limited to enforceability of the contract or the appropriateness of the legal form of the contract.

SB 261 Manufacturing Development Commission; created, report.

See summary for HB 1233, which is an identical bill.

SB 511 Regional industrial facilities authority; may create with two or more localities.

Amends §§ 15.2-4902 and 15.2-6402 to add Planning District 2 to those planning districts that may create a regional industrial facility authority with two or more localities rather than three or more localities.

Education

HB 95 Student, new; certain information required upon registration to public school.

Amends § 22.1-3.2 to require a parent, guardian, or other person having control or charge of a child of school age to provide to a public school, upon registration of a student, information concerning certain criminal convictions or delinquency adjudications. When the registration results from foster care placement, the information shall be furnished by the local social services agency or

licensed child-placing agency that made the foster care placement. Identical to SB 656.

HB 240 Tuition; no charges for children of relocated military personnel.

Amends § 22.1-3 to provide that tuition shall not be charged to children of active members of the military who are ordered to locate to military housing located in a different school division than the one the child is attending at the time of the order to relocate. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school. The school division in which such children are enrolled subsequent to their relocation to base housing are not responsible for providing for their transportation to and from school.

HB 350 School for the Deaf & Blind at Staunton, & School for Deaf, Blind, & Multi-Disabled at Hampton.

A bill to authorize the Department of General Services to enter into contracts for renovation and/or new construction of the School for the Deaf and Blind at Staunton. It also authorizes the Governor to convey all property of the School for the Deaf, Blind, and Multi-Disabled at Hampton to the New Horizons Regional Education Center. It also prescribes certain requirements that must be met before any of the transactions are finalized. Identical to SB 676. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 517 New College Institute; created.

Amends § 2.2-2101 and adds §§ 23-231.30 through 23-231.36 to establish the New College Institute as an educational institution in the area of Martinsville and Henry Counties. Identical to SB 40.

HB 607 Planning & Budget, Department of; school div. to pay cost efficiency review.

Amends § 2.2-1502.1 to provide that school divisions shall pay, in addition to 25% of the cost of a school efficiency review in the fiscal year immediately following the final school efficiency review report, additional costs if the recommendations made in the report have not been initiated. The new requirement begins with reviews completed in fiscal year 2007.

HB 1427 No Child Left Behind.

An Act to direct the Board of Education to identify initiatives or conditions that are currently being funded by No Child Left Behind but that are not an integral and necessary component of the state's educational standards. The act requires the Attorney General to estimate the costs for providing legal services in the event that the elimination of any initiatives or conditions results in withholding of Title I funds, and requires the Board of Education to develop information on the consequences, including the potential loss of federal funds, of not complying with the identified components of NCLB. Identical to SB 410.

HB 1428 No Child Left Behind Act; State to request waivers and exemptions.

An Act to encourage the President of the Board of Education to request certain waivers and exemptions from regulatory and statutory requirements of the federal No Child Left Behind Act from the U.S. Department of Education. If the response from the U.S. Department of Education is unsatisfactory, then the President must make recommendations to the Governor and the General Assembly regarding additional actions that could be taken by the Commonwealth regarding No Child Left Behind requirements.

HJ 130 High schools; drop out and graduation rates.

Encourages the Department of Education to monitor and collect data and information on the high school dropout and graduation rates in the Commonwealth.

SB 40 New College Institute; created.

See summary for HB 517, which is an identical bill.

SB 75 School crisis, emergency management, and medical emergency response plan; required.

Amends § 22.1-279.8 to require each school to implement a "medical emergency response plan" as part of their school crisis and emergency management plan. The Department of Education must provide assistance in the development of the plan in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response.

SB 203 Public School Authority; implement a pass-through of refunding savings to a locality.

Amends § 22.1-167.1 to authorize the Virginia Public School Authority to implement a pass-through of refunding savings to a locality without requiring any further local legislative action on the part of the locality.

SB 324 Teachers; salary should be competitive.

Amends §§ 22.1-289.1, 22.1-295, and 22.1-303 to require the Director of Human Resource Management to consider, in the biennial review of the compensation of teachers and other occupations requiring similar education and training the Commonwealth's compensation for teachers relative to member states in the Southern Regional Education Board. The bill also requires the evaluation of each teacher with continuing contract status at least once every three years.

SB 410 No Child Left Behind.

See summary for HB 1427, which is an identical bill.

SB 656 Student, new; certain information required upon registration to public school.

See summary for HB 95, which is an identical bill.

SB 676 School for the Deaf & Blind at Staunton, & School for Deaf, Blind, & Multi-Disabled at Hampton.

See summary for HB 350, which is an identical bill. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

Environmental quality**HB 148 Stormwater management program; includes enlargement, improvement and maintenance of dams.**

Amends § 15.2-2114 to provide that income derived from stormwater control program service charges shall be dedicated special revenue and may be used only to pay or recover costs for specified purposes, including the improvement or maintenance of dams, whether publicly or privately owned, that serve to control stormwater.

HB 172 Wildlife diseases; control thereof.

Adds § 29.1-103.1 to authorize the Department of Game and Inland Fisheries to promulgate regulations to (i) eradicate or prevent wildlife diseases and (ii) establish procedures for the condemnation and indemnification of captive wildlife.

HB 421 Solid waste management permits; certification for locality where facility located.

Amends § 10.1-1408.1 to require that permits for proposed solid waste management facilities or facility expansions be subject to analysis by the Director of the potential human health, environmental, transportation infrastructure, and transportation safety impacts and needs and an evaluation of comments by the host local government, other local governments and interested persons. The application for such permit must include certification from the locality that the new or expanded facility is consistent with the regional solid waste management plan or that the plan is in the process of being revised. Additionally, the bill requires that applications for permits-by-rule include a certification by the locality that the facility is consistent with the regional and local solid waste management plans.

HB 447 Mercury switches in motor vehicles; requires removal prior to their demolition.

Amends §§ 10.1-1402 and 46.2-635 to require the removal of mercury switches in certain motor vehicles prior to their demolition. The bill authorizes the Virginia Solid Waste Management Board to adopt Regulations concerning the criteria and standards for removal of mercury switches. Identical to SB 88.

HB 448 Litter control and recycling; increase percentage of grants awarded to localities.

Amends §§ in Title 10.1 and § 58.1-1709 to change the formula for allocating litter control and recycling grants. The bill would increase the percentage of grants awarded to localities from the current 75% to 90%. The 20% of grants allocated to statewide and regional litter prevention recycling educational programs will be reduced to 5% and will be awarded to localities and nonprofits for litter prevention and recycling. Up to 5% of the litter prevention and recycling grants will be allocated for administrative expenses.

HB 522 Tire recycling fee; extension of time.

Amends § 58.1-641 to authorize localities to establish a license application date between March 1 and May 1 and they must do so no later than the 2007 license

year. Under current law, the license application date is March 1.

HB 552 Regional water supply plans; allows town to enter into with an adjacent county.

Amends § 62.1-44.38:1 to allow a town to enter into a regional water supply plan with an adjacent county.

HB 554 Landfills; DEQ to develop policies & procedures to allow burning of vegetative waste.

Adds § 10.1-1410.3 to require the Department of Environmental Quality to develop the policies and procedures necessary to allow the burning of vegetative waste at landfills that have ceased accepting waste but have not been released from postclosure care requirements. The policies and procedures are to include measures that will protect public health and the environment.

HB 596 Flood Prevention and Protection Assistance Fund; Fund includes dam safety, report.

Amends, adds and repeals §§ in Title 10.1 and amends §§ 38.2-401.1, 58.1-2508, and 62.1-203 to reconstitute the current Flood Prevention and Protection Assistance Fund into the new Dam Safety, Flood Prevention and Protection Assistance Fund. The new fund will be used to make loans and grants to local governments and loans to private entities to finance the cost of implementing projects to prevent, reduce, or mitigate damages caused by flooding, to upgrade dams or impounding structures, and to fund flood prevention studies. The Virginia Resources Authority would administer and manage the fund. Identical to SB 624.

HB 597 Dam safety; penalties.

Amends and adds §§ in Title 10.1 to provide the Virginia Soil and Water Conservation Board and the Department of Conservation with the enforcement tools needed to ensure the safety of Virginia's dams, and includes due process procedures to protect dam owners.

HB 647 Solid waste management plans; units to maintain recycling and target rates.

Amends § 10.1-1411 to establish a new regimen for credits that can be used in meeting a solid waste planning unit's recycling rate. Currently, a credit of one ton for each ton of recycling residue generated and deposited in a landfill, not to exceed one-fifth of the 25% requirement, is allowed in calculating the

planning unit's recycling rate. This bill would not change the credit for recycling residue but, in addition, would extend a two percentage point credit for source reduction programs implemented within the planning unit, a ton-for-ton credit for solid waste material that is reused, and a ton-for-ton credit for any non-municipal solid waste material that is recycled. The current requirement that a planning unit maintain a minimum 25% recycling rate is reduced for less densely populated planning units or those with high unemployment rates. The bill stipulates that a planning unit not meeting its mandated recycling rate cannot be the sole reason for the denial of a permit or permit amendment for a new sanitary landfill, incinerator, or waste-to-energy facility. Identical to SB 57.

HB 684 Erosion & Sediment Control & Stormwater Management Acts; flow rates.

Amends §§ in Title 10.1 to provide definitions of terms in the Erosion and Sediment Control and Stormwater Management Acts that clarify what are acceptable flow rates from storm runoff at sites where land development projects are occurring.

HB 1055 Air emissions control; Department of Environment Quality shall promulgate regulations.

Adds §§ 10.1-1327 and 10.1-1328 to establish a phased schedule for electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The bill allows regulated facilities to participate in the EPA-administered cap and trade system; however, the Air Pollution Control Board can prohibit facilities in non-attainment areas from purchasing allowances in order to meet their NO_x and SO₂ obligations. The bill also requires the Board to adopt the federal Clean Air Mercury Rule as well as adopt a state-specific rule for mercury. The Department of Environmental Quality is required to conduct a detailed assessment of mercury deposition in Virginia to determine whether there is justification to undertake additional measures to control mercury emissions in Virginia, with the report due by October 15, 2008. Identical to SB 651.

HB 1134 Sewage sludge; Bd. of Health to promulgate regulations establishing fee imposed on permit holders.

Amends § 32.1-164.5 to require the Board of Health to promulgate regulations establishing an initial fee of \$5,000 to be imposed upon permit holders and applicants and a fee not to exceed \$1,000 for the reissuance, amendment or modification of a permit.

Fees collected are to be deposited into the Sludge Management Fund for the administration and management of the Department of Health's sewage sludge program. Currently, the Board may adopt regulations requiring permittees to pay a reasonable fee, not to exceed \$2,500, for the processing of the application for a sewage sludge permit.

HB 1150 Chesapeake Bay and Waters Clean-up and Oversight Act; created.

Adds §§ 62.1-44.117 and 62.1-44.118 to require the Secretary of Natural Resources to develop a clean-up plan for the Chesapeake Bay and Virginia waters that have been designated as impaired. The plan will include measurable objectives, a description of the strategies to meet the plan's objectives, time frames for accomplishing the objectives, and a plan for disbursing funds for point and nonpoint pollution projects. The plan will also include an analysis of alternative funding mechanisms. The Secretary is to submit the plan by January 1, 2007, and is to submit a progress report on the clean-up semiannually.

HB 1185 Agriculture & livestock; Water Protection Permit not required for certain riparian landowners.

Amends § 62.1-44.15:5 to prohibit the requirement of a Virginia Water Protection Permit for any water withdrawal from a privately owned agriculture pond, emergency water storage facility, or other water retention facility that is located outside the path of regularly flowing surface waters. Riparian landowners are authorized to withdraw reasonable amounts of water for use on those lands for an agricultural operation, provided such withdrawals do not adversely impact other off-stream beneficial uses, fish and wildlife habitat, waste assimilation, or commercial navigation. Conditions and requirements of permits or certificates issued pursuant to this section for water withdrawal by such agricultural operations shall only include annual reporting and minimal requirements necessary to maintain in stream flow for the protection of the beneficial uses as stated in this subsection. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 1454 Wetlands and stream restoration; companies to file erosion & sediment control specifications.

Amends § 10.1-563 to allow any person who has created and operates an approved wetlands mitigation bank in multiple jurisdictions to annually file erosion

and sediment control specifications for wetlands mitigation projects with the Virginia Soil and Water Conservation Board. The Board has 60 days to approve the specifications. If no action is taken within 60 days the specifications are deemed approved. Projects that are not covered by general specifications will have to comply with the local erosion and sediment control program. Contingent on funding in the appropriations act.

HB 1457 Impaired waters; attainability of meeting water quality standards.

Amends § 62.1-44.19:7 to allow an aggrieved party to conduct a use attainability analysis in order to demonstrate that the attainment of the designated use for an impaired water body is not feasible. This analysis would be submitted to, and reviewed by, the State Water Control Board. The Board would then determine whether the development or implementation of the total maximum daily load should be delayed.

HJ 133 Development rights; funding sources for purchase thereof.

Establishes a joint subcommittee to study long-term funding sources for the purchase of development rights to preserve open-space land and farmlands. Identical to SJ 94.

HJ 208 Vehicle emissions; on-road remote sensing devices in Northern Virginia, report.

Requests the Department of Environmental Quality, in consultation with the Environmental Protection Agency, to increase the use of on-road remote sensing of vehicle emissions to identify gross polluters and increase the percentage of vehicles that may be prescreened using on-road remote sensing of vehicle emissions in the Northern Virginia nonattainment area. The Department will report its progress to the 2007 and 2008 Regular Sessions of the General Assembly, and include information on associated costs and air quality benefits and impacts.

SB 57 Solid waste management plans; units to maintain recycling and target rates.

See summary for HB 647, which is an identical bill.

SB 88 Mercury switches in motor vehicles; requires removal prior to their demolition.

See summary for HB 447, which is an identical bill.

SB 106 Waste discharge permits; consent of local governing body required before Water Control Board issues.

An Act to require an application for a new or modified individual Virginia Pollutant Discharge Elimination System permit or new or modified coverage under a general Virginia Pollutant Discharge Elimination System permit, authorizing direct or indirect discharge of stormwater runoff from a new municipal solid waste landfill into a local watershed protection district established and designated as such by city ordinance prior to January 1, 2006, to contain a certification from the local governing body of the city in which the discharge is to take place, that the discharge is consistent with the city's ordinance establishing and designating the local watershed protection district in order to be considered complete. The bill does not apply to any municipal solid waste landfill in operation on or before January 1, 2006. The bill expires July 1, 2026.

SB 224 Environmental site assessments; local government to adopt ordinances requiring.

See summary for HB 93, which is an identical bill.

SB 274 Stormwater management program; certain localities required to adopt thereto.

Amends §§ in Title 10.1 to require localities located in Tidewater and those that are classified as an MS4 under the federal Clean Water Act to adopt a local stormwater management program in accordance with a schedule established by the Virginia Soil and Water Conservation Board. The locality is to adopt its stormwater program between 12 and 18 months after the effective date of the Board's regulation that establishes local program criteria and delegation procedures. Under current law these localities are to adopt a program by July 1, 2006. Any locality that isn't in Tidewater or classified as an MS4 can choose to administer its own program (seek delegation) within six months following the effective date of the regulation. The bill also increases the maximum fine for violation of the provisions of the stormwater law from a civil penalty of \$25,000 to \$32,500.

SB 409 Land Conservation Foundation; authorized to award moneys from Fund for purchases.

Amends § 10.1-1020 to authorize the Virginia Land Conservation Foundation to award moneys from the Virginia Land Conservation Fund for purchase of development rights programs.

SB 450 Lead poisoning; lead hazard control or identification of child being poisoned thereof.

Amends § 36-106 to establish the two essential lead program elements relating to lead poisoning prevention that are lacking in Virginia but are required by federal agencies for the 2006 grant cycle. The two elements are: to require abatement lead hazard control when a child residing in the unit is found to have elevated blood lead levels and to be lead poisoned and to prohibit retaliation when lead risks or the identification of a child with elevated blood lead levels and to be lead poisoned are reported. The bill also requires the landlord to maintain the painted surfaces of the dwelling unit in compliance with the Property Maintenance Code and the uniform Statewide Building Code and provides that the failure to do so shall entitle the tenant to terminate the rental agreement.

SB 624 Flood Prevention and Protection Assistance Fund; Fund includes dam safety, report.

See summary for HB 596, which is an identical bill.

SB 634 Subaqueous permits; additional platform to serve as water-dependent use.

Amends § 28.2-1203 to exempt (i) finger piers of up to five feet in width, (ii) L or T head platforms and appurtenant floating dock platforms of up to 400 square feet, and (iii) open-sided shelter roofs and gazebo-type platforms if allowed by local ordinances, that extend over state-owned, subaqueous lands from having to obtain a permit from the Virginia Marine Resources Commission.

SB 644 Water Quality Improvement Fund; disbursement of grant moneys.

Amends §§ in Title 10.1 to allow new or expanding publicly owned treatment works that are not defined as significant dischargers, but are subject to the State Water Control Board's new nutrient control requirements and will have to install nutrient removal technology, similar to the significant dischargers, to apply for matching grant moneys from the Water Quality Improvement Fund. Currently, only those plants that are defined as significant dischargers are eligible to receive grants from the Fund. The bill also authorizes the Department of Environmental Quality to utilize the Fund for design and installation of nutrient removal technologies. Currently, grants to sewage treatment facilities are allocated for two uses, with the larger portion used for biological nutrient removal facilities and other appropriate nutrient

removal technologies, and the smaller portion being used for only state-of-the-art facilities. The bill would remove this state-of-the-art restriction on the smaller portion.

SB 651 Air emissions control; Department of Environment Quality shall promulgate regulations.

See summary for HB 1055, which is an identical bill.

SJ 82 Water systems; JLARC to study small community public water systems.

Directs the Joint Legislative Audit and Review Commission to study very small and small community water systems in Virginia. The Commission shall determine whether the needs of Virginia's citizens are being met through the existing regulatory scheme with regard to both water quality and rates charged and shall make recommendations on any needed improvements.

SJ 94 Development rights; funding sources for purchase thereof.

See summary for HJ 133, which is identical.

SJ 103 Lead Poisoning Prevention, Joint Subcommittee Studying; continued.

Continues the Joint Subcommittee to Study Lead Poisoning Prevention for two years to (i) monitor the development of the reference database of statewide health-related data to determine its usefulness in containing health care costs and improving health care outcomes, including among children who may be exposed to lead risks or have elevated blood lead levels; (ii) seek to enact the two essential lead program elements needed by the Department of Health to be competitive in the 2006 federal grant process; and (iii) continue to assist the agencies of the Commonwealth to obtain funding for activities that protect Virginia's children from lead risks.

Finance, fees & taxation

HB 68 Courts Technology Fund; created, increase in certain fees.

Amends and adds §§ in Title 17.1 and amends § 16.1-69.48:2 to create a special non-reverting fund to be administered by the Supreme Court of Virginia funded by (i) a \$5 increase from July 1, 2006 through December 31, 2006 in clerks' fees for civil case filings in the district and circuit courts and a \$10 increase thereafter, (ii) doubling the filing fee in the Court of

Appeals and the Supreme Court to \$50, and (iii) a \$14 increase in the Supreme Court fee for a law license certificate and a certificate of qualification. Money in the Fund is to be allocated at the direction of the Supreme Court of Virginia to staff, advance, update, maintain, replace, repair and support the telecommunications and technology systems of the judicial system. Revenues raised in support of the Fund shall not be used to supplant current funding to the judicial branch. Identical to SB 157.

HB 121 Real estate tax; increases amount of exemptions for elderly or disabled.

Amends § 58.1-3211 that incorporated all the changes to certain provisions regarding real estate tax exemptions for the elderly and disabled by: (i) for localities in Northern Virginia, increasing to \$540,000 from \$340,000 the maximum financial worth cap a locality may impose, and adding Clarke, Fauquier, and Stafford Counties to the Northern Virginia localities where the higher cap may be used; and (ii) for certain other localities in central Virginia and Tidewater, increasing such cap to \$350,000 from \$200,000, and adding cities of Norfolk and Richmond to the localities for which the higher cap is applicable.

HB 194 Real estate; special commissioner to sell property, etc., to make tax sales less costly.

Amends § 58.1-3969 to delete the deposition requirement and replaces it with the written report of the real estate appraiser where there is no dispute as to title or value of the property in order for the court to appoint a special commissioner to sell the property and execute the deeds. This change is intended to make tax sales less costly.

HB 327 Personal property tax; classification of watercraft used for business purposes.

Amends § 58.1-3506 to create separate classes of watercraft for tax rate purposes, based on the weight of the watercraft and whether it is used for business purposes.

HB 491 Real estate reassessment; notice of change.

Amends § 58.1-3330 to require localities to add onto the notice of real estate reassessments the immediately prior assessment. If the tax rate that will apply to the new assessed value has been established, then the notice shall include such rate, the total amount of the new tax levy, and the percentage change in the new tax levy from the immediately prior one. If the tax rate that will apply to the new assessed value has not been

established, then the notice shall include the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. Finally, if such meeting is more than 60 days from the date of the reassessment notice, the notice will include information about when the date of the meeting will be set and where it will be publicized. Identical to SB 731.

HB 532 Sales and use tax exemption; school supplies, clothing and footwear.

Amends and adds §§ in Title 58.1 to provide a sales tax exemption, for certain school supplies, clothing and footwear purchased during a three-day period each year beginning on the first Friday in August, 2006. The exempt items are: each school supply item with a selling price of \$20 or less, and each article of clothing or footwear with a selling price of \$100 or less. The bill also allows dealers to absorb the sales tax on all other items sold during the same time period – with the dealer still having to remit to the state the sales tax owed. Identical to SB 571.

HB 535 Water and sewer liens; Manassas Park.

Amends § 15.2-2118 to add Manassas Park to those localities that have authority to provide that charges for water or sewer service may be a lien on the real estate served. Identical to SB 479.

HB 568 Communications tax reform; revises services, report.

Completely revises the taxation of communications services. The bill replaces current local consumer utility taxes, business license taxes on telecommunications companies in excess of 0.5 percent of gross receipts, cable franchise fees and local E-911 fees with a statewide 75 cents per month E-911 fee and 5 percent Communications Sales and Use Tax on all voice, video and audio communications regardless of technology. Cable companies also will collect and pay the public rights-of-way use fee that now applies to local exchange telephone companies.

The new taxes and fees will be collected by the companies from their customers and paid monthly to the Virginia Department of Taxation. These revenues will be held in a segregated trust fund and distributed monthly to all counties, cities and towns, without going through the state appropriation process. This will insulate the funds from future “raids” by General Assembly budget writers. Each county, city and town’s distribution percentage will be the same as its

percentage of the FY 2006 state total of the taxes and fees being eliminated. After June 30, 2006, the Auditor of Public Accounts will compile the figures on which the distribution will be based, from the FY 2006 annual reports submitted to his office by localities' auditors.

Small towns that do not routinely furnish an annual audit report to the APA will have to make a one-time report of their revenues from these taxes and fees, so that they can participate in future distributions of the new tax.

Local officials may hear some public safety agencies complain that the bill is not "revenue neutral" for them, because the landline E-911 funds that now come to the locality earmarked for that purpose will be replaced by a general fund distribution. But because those current E-911 collections will be reflected in the locality's distribution percentage, this will not be a revenue loss, only a change in how the revenue is labeled.

The provisions of the act will be effective on January 1, 2007.

HB 670 Vehicle license fees, etc., local; standardized procedures & fees.

Amends § 46.2-756 to require the DMV Commissioner to develop and implement standardized procedures and fees whereby the Commissioner, when so requested in writing by the treasurer or director of finance of any county, city, or town, will refuse to issue or renew any vehicle registration of persons who owe the locality any local vehicle license fees or delinquent tangible personal property tax or parking fines. Effective January 1, 2007.

HB 862 Personal property, tangible; separate class for certain aircraft.

Amends §§ 58.1-3506 and 58.1-3916 to create a separate classification for personal property tax rate purposes for aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned and operated by scheduled air carriers recognized under federal law. Localities are thereby authorized to set a tax rate for such aircraft at any rate that does not exceed that applicable to the general class of tangible personal property. Identical to SB 521.

HB 869 License taxes, local; localities to select date to apply therefore.

Amends § 58.1-3703.1 to permit localities to select a due date for businesses to apply for annual local licenses between March 1 and May 1. Under current law the due date is March 1. Localities wishing to change the due date must do so no later than the 2007 license year. Identical to SB 522.

HB 896 Sales Tax and Local Meals Tax; gratuities or service charges on meals excluded when calculating.

Amends §§ 58.1-602, 58.1-3833, and 58.1-3840 to exclude from the sales price of meals all gratuities or service charges for purposes of calculating the sales tax and the local meals tax; provided that, any mandatory gratuity or service charges in excess of 20% would still be subject to the sales tax and the local meals tax. Identical to SB 85.

HB 916 Real estate tax; assessments of golf courses for land use taxation.

Amends § 58.1-3230 to clarify that golf courses are included in the category of open-space land for purposes of land use taxation.

HB 1148 Motor fuels tax; sets effective date for sales tax in certain transportation districts.

Amends §§ 15.2-4504, 15.2-4529, and 58.1-1720 to set the effective date for sales tax on fuels in certain transportation districts by providing that changes to the motor vehicle fuels sales tax imposed in new or enlarging transportation districts would not become effective until the first day of the first month that is at least 60 days after certification by the Secretary of the Commonwealth.

HB 1173 Affordable housing; assessment of real property.

Adds § 58.1-3295 to provide that (i) certain federal, state or local restrictions, as well as special expenses be considered in determining the fair market value and the capitalization rate for certain real property designated as affordable housing, and (ii) federal and state income tax credits with respect to real property shall not be considered real property or income attributable to real property.

HB 1231 Real estate taxes; computation of deferral.

Repeals § 58.1-3219.2 to repeal the method of calculating the deferral amount for the optional deferral program for taxes that exceed a certain percentage increase compared to the prior year. The program remains in effect, but localities may use other methods to calculate the deferred amount.

HB 1235 Retail sales and use tax; revenue from certain public facilities in City of Norfolk.

Amends § 58.1-608.3 to add the City of Norfolk to the list of cities permitted to retain the sales tax revenue generated in the Norfolk Executive Conference Center (a public facility for which Norfolk issues bonds). The retention of the tax revenue expires when the bonds are retired. The bill also provides that public facilities shall not include residential condominiums, townhomes, or residential units. Identical to SB 655.

HB 1283 Taxes, local; cap on penalty for failing to pay.

Amends § 58.1-3916 to provide that the penalty for failing to pay a local tax or assessment shall in no case exceed the amount of the tax assessed.

HB 1284 Decal, local; locality may eliminate display on vehicle.

Amends § 46.2-752 to clarify that a locality may eliminate the local decal without violating state statute.

HB 1290 Machinery and tools tax; method of valuation thereof for income tax purposes.

Amends § 58.1-3507 to require commissioners of the revenue, in valuing machinery and tools to consider any bona fide, independent appraisal presented by the taxpayer. The bill also re-defines “idle” equipment, and classifies it as intangible personal property – thus exempting it from the machinery and tools tax. The Commonwealth currently exempts intangible personal property from taxation. The new definition is that the equipment must not have been used for at least three continuous months, with no reasonable prospect that it will return to active use within one year. Finally, the bill would require the Tax Commissioner to convene a working group (including industry and local government representatives) to discuss issues of assessments of equipment, definitions of “obsolescence” and “idle”, and uniform assessments. Identical to SB 260. The General Assembly rejected gubernatorial amendments so the bill has been

returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 1323 Transient occupancy tax; authorizes Montgomery County to impose.

Amends § 58.1-3819 to add Montgomery County to the list of counties permitted to impose a transient occupancy (lodging) tax of up to 5%, with any amount generated over 2% to be spent for tourism purposes. Identical to SB 463.

HB 1366 Jeopardized by delay; technical change to definition.

Amends §§ 58.1-3703.1 and 58.1-3983.1 to make a technical change to the definition of “jeopardized by delay” in the BPOL tax and local business tax provisions so it conforms to the state income tax definition.

HB 1421 Real estate tax; sale of tax delinquent properties.

Amends §§ 58.1-3967 and 58.1-3975 to clarify, with regard to non-judicial sales of tax delinquent properties, (i) the status of other liens against such properties, which are unaffected by the sale; (ii) the means (Treasurer's Deed) by which title is transferred; and (iii) the treatment of excesses and shortfalls in the proceeds of the sale.

HB 1425 Treasurers, local; collection of unpaid fines and costs.

Amends § 19.2-349 to authorize a local treasurer pursuant to an agreement with the attorney for the Commonwealth and subject to existing law regarding collection of delinquent taxes and other charges, to collect administrative costs and fees normally collected when collecting unpaid fines and court costs.

HB 1505 Coalfield Economic Development Authority tax; water & sewer systems.

Amends §§ 58.1-3713 and 58.1-3713.01 to allow localities to use a portion of the revenues for improving water and sewer systems. Identical to SB 506.

SB 85 Sales Tax and Local Meals Tax; gratuities or service charges on meals excluded when calculating.

See summary for HB 896, which is an identical bill.

SB 86 Transient occupancy tax; intended for occupancy of any room or space for temporary dwelling or sleeping, etc.

Adds § 58.1-3843 to provide that the transient occupancy tax shall be imposed only for the occupancy of any room or space suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes. In 2005, the General Assembly passed a substantially similar restriction for county transient occupancy taxes.

SB 157 Courts Technology Fund; created, increase in certain fees.

See summary for HB 68, which is an identical bill.

SB 186 Roll-back taxes; local use value assessment ordinances.

Amends § 58.1-3241 to provide that, at the option of the locality, roll-back taxes under land use taxation ordinances shall not apply to a subdivision, separation, or split-off of property which results in parcels that do not meet minimum acreage requirements, provided that title to the subdivided parcels is held in the name of an immediate family member for at least the first 60 months following the subdivision.

SB 260 Machinery and tools tax; method of valuation thereof for income tax purposes.

See summary for HB 1290, which is an identical bill. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

SB 302 Taxes, local; use of collection agents.

Amends §§ 58.1-3919.1 and 58.1-3934 to prohibit localities from referring delinquent accounts for collection to an attorney, the sheriff, or other delinquent tax collector unless the treasurer has sent written notification of the delinquency to the taxpayer's address as contained in local tax records, or, if the treasurer has reason to believe such address is not current, to such other address that the treasurer may obtain.

SB 404 Personal property taxes; rate for generating equipment of electric suppliers.

Amends § 58.1-2606 to provide that the generating equipment of electric suppliers utilizing wind turbines may be taxed at a rate or rates that exceeds the real estate rate, but does not exceed the personal property rate. The bill has an effective date of January 1, 2007.

SB 417 Personal property tax; separate classifications of machinery and tools used in businesses.

Amends § 58.1-3660 to require the Virginia Economic Development Partnership Authority, with other agencies, to prepare and execute a specific five-year plan to assist local governments that are dependent upon manufacturing facilities to diversify their economies. The bill also provides that certain certified pollution control equipment and facilities are exempt from state and local taxation, pursuant to Section 6 of Article X of the Constitution of Virginia.

SB 463 Transient occupancy tax; authorizes Montgomery County to impose.

See summary for HB 1323, which is an identical bill.

SB 468 Transient occupancy tax; eliminates sunset provision in Counties of James City and York.

Amends § 58.1-3823 to eliminate the January 1, 2008, sunset date for the additional transient occupancy tax in the Counties of James City and York and makes other technical changes.

SB 479 Water and sewer liens; Manassas Park.

See summary for HB 535, which is an identical bill.

SB 498 Fire Programs Fund; revising allocations to eligible localities.

Amends § 38.2-401 to authorize the Virginia Fire Services Board to revise allocations to eligible localities.

SB 506 Coalfield Economic Development Authority tax; water & sewer systems.

See summary for HB 1505, which is an identical bill.

SB 521 Personal property, tangible; separate class for certain aircraft.

See summary for HB 862, which is an identical bill.

SB 522 License taxes, local; localities to select date to apply therefore.

See summary for HB 869, which is an identical bill.

SB 571 Sales and use tax exemption; school supplies, clothing and footwear.

See summary for HB 532, which is an identical bill.

SB 597 License tax, local; separate rate for fuel distributors.

Amends §§ 58.1-3700.1 and 58.1-3706 to provide that when the Department of Mines, Minerals and Energy (DMME) determines that the weekly U.S. Retail gasoline price has increased by 20% or more in one week, and does not fall below that rate for 28 days, then the gross receipts taxes on fuel sales of a gas retailer made in the following licensing year shall not exceed 110% of the gross receipt taxes on fuel sales made in the license year of the increase. DMME must report its findings no later than January 30 each year to VML, VACO and the Virginia Petroleum, Convenience and Grocery Association.

SB 655 Retail sales and use tax; revenue from certain public facilities in City of Norfolk.

See summary for HB 1235, which is an identical call.

SB 731 Real estate reassessment; notice of change.

See summary for HB 491, which is an identical bill.

FOIA, public records & privacy

HB 209 Public Records Act; to include provisions relating to management & archiving of electronic records.

Amends and adds §§ in Title 42.1 and amends § 17.1-213 to update the Public Records Act to include provisions relating to the management and archiving of electronic records. The bill creates new definitions, amends the powers and duties of the Library Board and allows the Library to issue regulations and guidelines related to the lifecycle of records, generally. The bill requires the custodians of records to convert and migrate electronic data as necessary to maintain access to these records. Finally, the bill allows the Library to conduct audits of the record keeping practices of state and local agencies subject to the act.

HB 210 Publications Depository Program; created, report.

Amends § 2.2-609, and amends and adds §§ in Title 42.1 to allow The Library of Virginia to authorize state and local agencies to send electronic copies of certain publications to the Library, instead of the publications themselves.

HB 563 Court records; removes sunset provision on prohibiting information from court-controlled website.

Amends §§ 2.2-3808.2 and 17.1-279 to remove the sunset provision prohibiting certain information from being posted on a court-controlled website. The Compensation Board policies shall require court clerks to certify that proposed technology improvements of their land records will provide remote access to land records on or before July 1, 2007. If a court clerk provides remote access to land records on or before July 1, 2007, the clerk may then apply to the Compensation Board for an allocation from the Technology Trust Fund. The bill also requests the Supreme Court to develop methods and policies for the redaction of social security numbers from land records maintained in electronic form and made available via secure remote access and report its findings to the General Assembly prior to November 15, 2006.

SB 76 Freedom of Information Act; disclosure of procurement records under PPTA and PPEA.

Amends and adds §§ in Title 56 and amends § 2.2-3705.6 to revise the current FOIA exemption for records submitted by a private entity to a responsible public entity under the PPTA and the PPEA and formalizes the earmarking process or the protection of trade secrets, financial records, and other records submitted by a private entity, by requiring a written request for an exclusion from disclosure by the private entity and for a written determination by the responsible public entity that such records will be protected from disclosure under certain circumstances. The bill also amends the PPTA and PPEA to require a public entity to post all accepted conceptual proposals, whether solicited or not. For responsible public entities that are local public bodies, posting shall be on the entity's website or by publication in a newspaper of a summary of the proposals and the location where copies of the proposals are available for public inspection. Local public bodies may also post on eVA, in their discretion. One copy of the proposals shall be made available for public inspection. Nothing shall prohibit the posting of the conceptual proposals by additional means deemed appropriate by the responsible public entity. The responsible public entity shall provide an opportunity for public comment 30 days before the execution of an interim or comprehensive agreement. Once the process of bargaining of all phases or aspects of an interim or comprehensive agreement is complete, but before the agreement is entered into, a responsible public entity shall post the proposed agreement. Once an interim or

comprehensive agreement has been executed, all procurement records, excluding trade secrets, financial information, and cost estimates, are available to the public upon request. The bill is a recommendation of the Freedom of Information Advisory Council.

SB 448 Uniform Real Property Electronic Recording Act; reenacted.

Adds §§ in Title 55 to reenact the Uniform Act which was passed in 2005 with the requirement that it be reenacted by the 2006 Session. The Act authorizes circuit court clerks to record land transaction records electronically, and to convert paper records into electronic records.

SB 461 Public Records Act; timely destruction of records.

Amends § 42.1-86.1 to require each state and local agency to ensure that records created after July 1, 2006 and authorized to be destroyed or discarded under the Virginia Public Records Act, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, that records that contain identifying information must be destroyed within six months of the end of the appropriate retention schedule.

SJ 51 Government databases and data communications; study adequacy of security.

Directs the Auditor of Public Accounts to study the adequacy of the security of state government databases and data communications from unauthorized uses.

General government

HB 147 Service districts; localities may contribute from general fund for certain government services.

Amends § 15.2-2403 to provide that a locality creating a service district may contribute, from its general fund, funds to pay for certain governmental services. The bill also allows a governing body creating a service district to accept the allocation, contribution, or reimbursement of funds from any locality for the costs, expenses, and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or maintenance of any facilities and services in the district.

HB 203 Boy Scouts of America and Girl Scouts of the USA; equal access to public facilities.

Amends § 15.2-1800 and adds § 2.2-1147.2 to prohibit state agencies and localities from denying use of certain public facilities to the Boy Scouts of America and the Girl Scouts of the USA.

HB 207 Correctional facilities, community-based; location and notice.

Amends § 53.1-67.4 to require the Department of Corrections to notify the locality and adjacent landowners before acquiring, constructing, or leasing a community-based correctional facility, and to hold a public hearing if requested by the locality.

HB 321 Wine and beer; limited service hotels licensed to sell for consumption in designated areas.

Amends § 4.1-209 to provide that with regard to a hotel classified by the Alcoholic Beverage Control Board as a limited service hotel, the ABC Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests.

HB 339 Dogs and cats; licensed vets to collect license fee and provide receipt when admin. rabies vaccine.

Amends and adds §§ in Title 3.1 to require licensed veterinarians to forward to the local treasurer vaccination information for dogs. The local treasurer shall, upon receipt of the vaccination information, bill the owners of unlicensed dogs for a pet license. The duration of a dog or cat license may be equal to and run concurrent with the effective period of the rabies vaccination. The bill is effective July 1, 2007.

HB 340 Dogs; regulation of those that may be dangerous.

Amends, adds and repeals §§ in Title 3.1 to expand the authority to petition a court to find a dog dangerous to any law-enforcement officer and makes that petition mandatory. The State Veterinarian is charged with maintaining a Virginia Dangerous Dog Registry; any change in the status of a dangerous dog is to be promptly submitted in writing. Surrender of

dog that is subject of a pending action to animal control shall not be in lieu of prosecution. The bill also (i) expands the definition of "dangerous dogs to include dogs that inflict injury to another cat or dog requiring the animal to be euthanized while also broadening safe harbor provisions; (ii) requires that a dog that has been found to be dangerous or vicious shall be spayed or neutered; and (iii) requires insurance be maintained for a dangerous dog and raises the policy limit requirement to \$100,000, allows for a surety bond in lieu of an insurance policy. Local governments may pass an ordinance that parallels this statute, but may not impose a felony penalty for any violation of that ordinance. Identical to HB 1039 and SB 200.

HB 456 Private waste companies; requirements thereof.

Amends § 15.2-934 to add requirements to the procedures localities must follow before displacing private companies providing garbage, trash, or refuse collection services. Such requirements include making a written finding of at least one of the following: (i) adequate or sufficient privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; or (iv) displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.

HB 470 Vacancies in constitutional offices; special election to fill vacancy.

Amends § 24.2-228.1 to provide that the general law provision calling for a special election to fill a vacancy in a constitutional office overrides any other provision in a charter that may provide a different method to fill the vacancy.

HB 512 Alcoholic beverages; persons granted wine and beer licenses may conduct tastings.

Amends §§ 4.1-209, 4.1-325, and 4.1-325.2 to provide that persons granted on-premises and on-and off-premises wine and beer licenses may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the product being tasted. Additionally, wine and beer wholesalers, farm wineries, wineries,

and breweries may participate in the tastings held by the licensee, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

HB 542 Conflict of Interests Acts; includes certain clarifications concerning Acts and General Assembly.

Amends §§ 2.2-3114, 2.2-3117, 2.2-3118, 30-110, and 30-111 make several amendments so the General Assembly and State and Local Government Conflict of Interest Acts include (i) clarifying that individual stocks and amounts should be listed, (ii) requiring net rather than gross amounts regarding disclosure of business interests, (iii) requiring disclosure of previously deferred compensation when the filer has begun to receive such compensation, (iv) requiring disclosure of payments made by a filer to a lobbyist for representation, (v) adding definitions for "deferred compensation," "deferred compensation plan," and "contingent liability," and (vi) revising the definition of "close financial association." The bill also provides an extension for filing deadlines under the Acts that may fall on a weekend or a legal holiday.

HB 543 Lobbyists; amending registration and disclosure provisions therefore.

Amends §§ 2.2-419, 2.2-420, and 2.2-426 to make several amendments to registration and disclosure provisions for lobbyists including clarifying provisions for exempting uncompensated lobbyists from registration and disclosure requirements and adding a definition of "fair market value."

HB 781 Rights of residents and employees to contact elected officials.

Adds §§ 15.2-1512.4 and 15.2-2511.2 to provide that every local government employee has the right to express opinions to state or local elected officials on matters of public concern. Retaliation based upon a local government employee's exercise of such right is unlawful. This measure tracks the code section applicable to state employees. The bill provides that if a city or town with a population over 10,000 that has a fraud, waste and abuse auditor, that auditor shall be responsible for administering a telephone hotline, and a website, if cost-effective, through which local employees and residents may report incidences of fraud, waste, or abuse in the administration of local government. Furthermore, the auditors are required to investigate authentic allegations of fraud, waste, or abuse.

HB 822 Libraries, local public; donations of materials.

Amends § 15.2-953 to allow local public libraries to make donations of materials that are to be discarded from their collections to nonprofit organizations.

HB 884 Special elections; fill vacancies in constitutional offices.

Amends § 24.2-228.1 to provide that the absence from the county or city of a constitutional officer because of service in the armed forces does not create a vacancy in the office unless the officer provides written notice of his resignation. The bill further provides that the power to relieve the officer of his duties or powers during an absence remains the sole prerogative of the officer unless waived by him in writing.

HB 1081 Utility services; unlawful to tamper with meters to obtain use thereof without payment.

Adds § 8.01-44.7 to specify that a provider of utility services that have been tampered with or diverted may seek injunctive and equitable relief, and an award of damages, including reasonable attorney fees and costs. In addition, the aggrieved party may recover an award of actual damages or \$500, whichever is greater for each action.

HB 1094 Requires violators to pay civil penalties under the Post-Disaster Anti-Price Gouging Act.

Adds § 1-529.1 to authorize the Governor, upon finding that during a disaster a supplier is selling necessary goods or services at such an unconscionable price that it presents an imminent and substantial danger to the public welfare by creating public panic, to issue 30-day emergency orders requiring the supplier to reduce the price to the prevailing price in the local market.

HB 1198 Voice-over-Internet protocol service; eliminates the jurisdiction of the SCC to regulate; addresses E-911 issues.

Amends and adds §§ in Title 56 and amends § 58.1-3813.1 to eliminate the jurisdiction of the State Corporation Commission to regulate voice-over-Internet protocol (VOIP) service. Providers of VOIP service that do not include enhanced 911 (E-911) service are required to provide to their affected subscribers any notice of the absence of E-911 service that is required by the Federal Communications Commission (FCC). Consumers VOIP service will be subject to the local tax for E-911 service. If the FCC

requires providers to prepare and file a plan setting forth how providers of VOIP service propose to develop and implement the capability for VOIP service users to have E-911 service, the providers shall submit a copy of the plan to the State Corporation Commission and Wireless E-911 Services Board.

HB 1220 Electric Utility Restructuring Act; excludes municipal utilities.

Amends § 56-580 to provide that a municipal electric utility will not become subject to the provisions of the Electric Utility Restructuring Act as a result of serving an area that was served by an incumbent electric utility as of July 1, 1999, if the change in service areas is made pursuant to mutual agreement between the municipality and the affected incumbent electric utility in accordance with a provision in the Utility Facilities Act.

HB 1404 Cable television systems; licensing and regulation thereof.

Amends §§ 2.2-3705.6, 15.2-2160, 56-265.4:4, 56-466.1, and 56-502 and adds and repeals §§ in Title 15.2 to establish a new procedure by which cable operators may obtain authorization to operate cable systems in localities. The new procedure provides for localities to grant ordinance cable franchises as an alternative to negotiated cable franchises. Ordinance cable franchises may be requested by certificated providers of telecommunications services with previous consent to use a locality's rights-of-way, after requesting to negotiate a cable franchise agreement. Upon receipt of an application for an ordinance cable franchise, the locality shall adopt necessary ordinances within 120 days. A locality granting an ordinance franchise may, if it currently has fewer than three public, educational or governmental (PEG) channels, obtain up to three PEG channels from all cable operators. A locality that has approved a competitive cable franchise in the 12 months preceding July 1, 2006, is exempted from provisions of this measure until an existing franchise expires. Identical to SB 706.

HB 1571 Referendum elections; provide for preparation and printing of explanation for each question thereof.

Amends § 24.2-687 to allow towns to prepare and print explanations for each referendum question to be submitted to the voters. Cities and counties already have this authority.

HJ 32 Campaign Finance Disclosure Act; continue review thereof.

Encourages the State Board of Elections to continue its review of the Campaign Finance Disclosure Act to address issues raised during its review conducted during the 2005 interim pursuant to House Joint Resolution 667 (2005). Identical to SJ 75.

HJ 100 Underground transmission lines; JLARC to study criteria.

Directs the Joint Legislative Audit and Review Commission to study the State Corporation Commission's analysis for determining the feasibility of undergrounding electrical transmission lines. In conducting its study, the Joint Legislative Audit and Review Commission shall examine (i) the factors considered by the State Corporation Commission in its analysis of the feasibility of installing underground electrical transmission lines; (ii) the effect on property values resulting from installing underground, as opposed to overhead, transmission lines; (iii) the costs considered by the State Corporation Commission in reviewing transmission line applications; and (iv) such other issues as it deems appropriate. This two-year study shall not be conducted unless it is funded in the Appropriation Act.

SB 51 Local gov't; voluntary settlements that provide for annexation take effect by certain date.

Amends § 15.2-3400 to mandate that voluntary agreements that provide for municipal annexation shall take effect, in the absence of a stipulated date, on the first day of the month following court validation of the voluntary agreement. The Code currently provides for such agreements to take effect on January 1 of the year set forth in the agreement.

SB 77 Post-Disaster Anti-Price Gouging Act; in declared state of emergency.

Amends § 59.1-526 to provide that the duration of a "time of disaster," which currently is the shorter of the period of a declared state of emergency or the 30 days following the natural disaster or other occurrence that resulted in the Governor's or President's declaration of the state of emergency, may be extended to include the 30 days that follow an extension or renewal of the state of emergency.

SB 164 Waste and water authorities; powers regarding cost reserves and expenditures for operating capital.

Amends § 15.2-5101 to clarify the powers of waste and water authorities regarding cost reserves and expenditures for operating capital. A second enactment clause validates certain previous acts by such authorities.

SB 262 Virginia Energy Plan; created.

Amends §§ 23-135.7:6, 45.1-390, and 58.1-3660 and adds §§ in Title 67 to establish a plan to develop an energy policy of the Commonwealth and directs the Division of Energy of the Department of Mines, Minerals and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare, by July 1, 2007, a ten-year comprehensive Virginia Energy Plan to implement the Commonwealth's energy policy. The bill directs the State Corporation Commission to develop a system for scoring parcels in the Commonwealth for their suitability as wind energy facilities, liquefied natural gas facilities, nuclear energy facilities, and solar energy facilities, upon recommendation by the Department of General Services for state-owned land, local governing bodies with the consent of the parcel's owner, or the owner of a parcel. Retains local land use regulation of the facilities. Exempts from property taxation certified pollution control equipment and facilities used in collecting, processing, and distributing landfill gas and other gas recovered from waste products. The General Assembly adopted a substitute that incorporated most of the gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

SB 298 District courts; remove case to circuit ct. if dismissal on basis that statute is unconstitutional.

Amends § 19.2-398 to provide that in any criminal or traffic case in a court not of record, if the court rules that a statute or local ordinance is unconstitutional, it shall upon motion of the Commonwealth, stay the proceedings and transmit the case to the circuit court for a determination of constitutionality. If the circuit court rules that the statute or local ordinance is unconstitutional, the Commonwealth may appeal such interlocutory order to the Court of Appeals and thereafter to the Supreme Court; however, if the circuit court rules that the statute or local ordinance is constitutional, the circuit court shall remand the case

to the court not of record for trial consistent with the ruling of the circuit court.

SB 548 Regional Industrial Facilities Act; board members may be appointed for as many terms desired.

Amends § 15.2-6403 to clarify that members of the board may be appointed for as many terms as the governing body desires.

SB 574 Immature animals; prohibits giving away if under two months old in quantities of less than six.

Amends § 3.1-796.70 to prohibit the giving away as pets or novelties any living chicks, ducklings, or other fowl under two months old in quantities of less than six or any unweaned mammalian companion animal or any dog under the age of seven weeks without its dam, or any cat under the age of seven weeks without its queen. Current law prohibits the sale or use as inducement or prize but does not address gifts.

SB 589 General registrars; performance reviews.

Amends § 24.2-109.1 to replace the requirement that the local electoral board send a copy of each annual performance review of the general registrar to the State Board of Elections with the requirement to send a summary of the review.

SB 590 State Board of Elections; training of local electoral board members and general registrars.

Amends § 24.2-103 to provide that the State Board's required annual training and any additional training of local electoral board members and general registrars shall be provided without charge to them.

SB 613 Electric Utility Restructuring Act; excludes municipal utilities.

Amends § 56-580 to provide that a municipal electric utility will not become subject to the provisions of the Electric Utility Restructuring Act as a result of serving an area that was served by an incumbent electric utility as of July 1, 1999, if the change in service areas is made pursuant to mutual agreement between the municipality and the affected incumbent electric utility in accordance with a provision in the Utility Facilities Act.

SB 688 Public utilities; SCC to establish procedure for lines that cross railroads.

Adds § 56-16.2 to establish a procedure for the State Corporation Commission to determine matters pertaining to the construction and operation of municipal water, sewer, and telecommunications lines, wires, pipes, and conduits that cross railroads. The application shall include standard railroad liability protection insurance. If the Commission grants an application requiring the railroad to grant to the municipality a license for such crossing, it may require the payment to the railroad company of damages and a fee, which fee shall not exceed the actual costs reasonably expected to be incurred by the railroad company as a result of the crossing and the periodic inspection of such works, but shall take into consideration the system-wide administrative and other costs of implementing crossing agreements.

SB 706 Cable television systems; licensing and regulation thereof.

See summary for HB 1404, which is an identical bill.

SJ 75 Campaign Finance Disclosure Act; continue review thereof.

See summary for HJ 32, which is identical.

Human services

HB 56 Child abuse or neglect; mandatory reporting by eligibility workers; penalty.

Amends § 63.2-1509 to add local eligibility workers to the list of mandated reporters of suspected child abuse or neglect. The bill is effective on January 1, 2007 and the Department of Social Services must provide training to implement its provisions.

HB 73 Social services; city council member appointed to local board.

Amends § 63.2-304 to allow a city council to appoint one of its members to the local social services board for that city. Identical to SB 25.

HB 577 Children's group homes and residential facilities; regulatory requirements for licensure.

Amends §§ 22.1-323.2, 37.2-408, 63.2-1737, and § 66-24 and adds § 2.2-5211.1 to require the Boards and Departments of Education, Juvenile Justice, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services to promulgate regulations that require, as a condition of initial

licensure of, and, if appropriate, license renewal, that the applicant (i) be personally interviewed by Department personnel to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and (iv) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility.

In addition, the departments must notify relevant local governments and placing and funding agencies, including the Office of Comprehensive Services, of multiple health and safety or human rights violations in children's residential facilities for which the relevant department serves as lead licensure agency when such violations result in the lowering of the licensure status of the facility to provisional; post on the department's website information concerning the application for initial licensure of or renewal, denial, or provisional licensure of any residential facility for children located in the locality; require all licensees to self-report lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of residents; require proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's operational plan; and modify the term of the license (or, in the case of the Department of Juvenile Justice, the certificate) based on a change in compliance. The Department of Social Services will be given the additional responsibility for disseminating or posting an accurate list of licensed and operating group homes and other residential facilities for children by locality with information on services and identification of the lead licensure agency.

In the event a group home or residential facility has its licensure status lowered to provisional as a result of multiple health and safety or human rights violations, any child placed thru the CSA program in the facility must be assessed to determine whether it is in his best interest to be removed and placed in a fully licensed facility. Any new placements are prohibited until full licensure status has been restored. In keeping with CSA's mission, prior to placing a child across

jurisdictional lines, a local family assessment and planning team must explore all appropriate community services for the child; document if no appropriate placement is available in the locality; and report the rationale for placement to the community policy and management team (CPMT). CPMTs must report annually to the office of Comprehensive Services on the gaps in services needed to keep children in the community and any barriers to the development of services. CPMTs are also required to notify receiving school divisions of placements across jurisdictional lines and to identify children with disabilities and foster care children to expedite enrollment and special education.

A second enactment requires emergency regulations for the licensure and certification requirements and a third enactment requires that the emergency regulations include provisions addressing HB 2461 (2005) and SB 1304 (2005).

HB 594 Emergency medical services; oxygen training.

Amends § 32.1-111.4 to direct the State Board of Health to prescribe regulations authorizing emergency medical services personnel to possess and administer oxygen with the authority of the local medical director and a licensed emergency medical services agency.

HB 610 Emergency medical services; quality of care initiative.

Amends §§ in Titles 8.01 and 32.1 to facilitate the development of a quality of care initiative in the emergency medical services system by providing civil immunity for members of entities monitoring such care and rendering their communications privileged in the same manner as provided to other professional groups.

HB 625 Human remains; public health.

Adds § 32.1-288.1 to allow the Commissioner of the Department of Health, in conjunction with the Governor, to determine if human remains are hazardous to the public health. If remains are determined to be hazardous, the Commonwealth is charged with handling and disposition of the remains and shall erect a memorial at the disposition site. "Hazardous human remains" means those remains contaminated with an infectious, radiologic, chemical or other dangerous agent.

HB 714 / SB 252 Health partnership authorities, local; repeals sunset provision.

An Act to repeal the sunset clause thereby establishing the law indefinitely on local health partnership authorities to expire on July 1, 2006.

HB 758 Medical Assistance Services; State Plan amendment or application for certain waiver.

An Act to require the Department of Medical Assistance Services (DMAS) to convene a Medicaid Revitalization Committee to prepare recommendations for a State Plan amendment or an application for a waiver, including but not limited to a research and demonstration project waiver pursuant to Section III5 of Title XIX of the Social Security Act, as amended, to reform and revitalize Virginia's Medicaid program. The recommendations shall include fundamental elements to move toward greater emphasis on the state's role in purchasing healthcare services, leveraging the forces of the marketplace to customize services to meet the needs of Virginia's various Medicaid populations, enhancing personal responsibility and empowering individuals to manage their healthcare, bridging public and private coverage, and containing the growth of Medicaid expenditures in the Commonwealth. By May 15, 2007, DMAS shall prepare, submit, and seek approval of any required State Plan amendments or waiver authority. Enactment clauses require emergency regulations upon obtaining approval of the waiver and authorize DMAS to use electronic media, when in compliance with the Administrative Process Act, in the regulatory process. The provisions of the bill are subject to an appropriation of funds in the General Appropriation Act.

HB 759 Medical assistance services; development of public-private long-term care partnership program.

Amends § 32.1-325 to require the Board of Medical Assistance Services to include, in the state plan for medical assistance services, a provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that must be designed to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies designated by the Department as "qualified state long-term care insurance partnerships" that may be used as the first source of benefits for the participant's long-term care.

The components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, must be structured in accordance with federal law and applicable federal guidelines. A second enactment clause requires DMAS to collaborate with the Department of Human Resource Management to encourage state employees to participate in the partnership program.

HB 774 Community services boards and behavioral health authorities; joint agreements.

Amends § 2.2-4343 and adds §§ 37.2-512 and 37.2-615 to allow for joint agreements between two or more community services boards or behavioral health authorities for the purpose of (i) providing treatment, habilitation, or support services for consumers with specialized and complex service needs and associated managerial, operational, and administrative services and support, and (ii) promoting clinical, programmatic, or administrative effectiveness. The bill also allows for an administrator or management body to coordinate the activities of the joint agreement, and gives this administrator or body various powers and duties, including accepting funds from various public and private sources, hiring staff, and entering into service contracts on behalf of the community services boards and behavioral health authorities subject to the agreement. Requires CSBs to give its local governing body(ies) at least 30 days to review the proposed agreement prior to its execution.

HB 1146 State Board of Social Work.

Amends § 54.1-3703 to increase the membership of the Board of Social Work from seven to nine, to be appointed by the Governor. Also, an enactment clause provides that the Board of Social Work shall consult with relevant stakeholders, including educators, professionals, and appropriate agencies and organizations, to determine (i) if current education and training requirements for social works are adequate to assure the public of professional competency and (ii) whether current exemptions from the requirements for licensure best serve the citizens of the Commonwealth.

HB 1351 Adult abuse; requires mandated reporters to notify law-enforcement directly in cases thereof.

Amends § 63.2-1605 to require local departments of social services or the adult protective services hotline, upon receiving the initial report pursuant to § 63.2-1606, to notify the local law-enforcement agency directly in any cases of (i) sexual abuse as defined in §

18.2-67.10, (ii) serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect, or (iii) any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

HB 1589 Family day homes; unlawful to operate family day home if any employee is convicted sex offender.

Amends § 63.2-1727 to make it a Class 1 misdemeanor for a person to operate a family day home if he knows that any of his employees or volunteers are convicted sex offenders.

HJ 60 Comprehensive Services Act; JLARC to evaluate administration.

Directs the Joint Legislative Audit and Review Commission to evaluate the administration of the Comprehensive Services Act. In conducting this two-year study, the Commission shall, among other things, (i) evaluate the costs, quality, and reimbursement of children's residential services; (ii) examine the interdepartmental regulation of these facilities; (iii) assess the administration of the CSA by state and local governments; (iv) evaluate the quality and capacity of services available to and provided for CSA children; and (v) determine whether CSA children receive appropriate care, case management, education, and supervision. In each year of the study, JLARC will brief the Joint Subcommittee to Study the Cost Effectiveness of the Comprehensive Services for At-Risk Youth and Families Program established pursuant to SJR 96 (2006), and the chairmen of the House and Senate money and health committees.

HJ 96 Autism spectrum disorders; education and treatment.

Encourages the Board and Department of Education and the Board and the Department of Mental Health, Mental Retardation and Substance Abuse Services and other relevant entities to take certain actions to improve the education and treatment of individuals with autism spectrum disorders. The Board and Department of Education are also urged to examine appropriate educational placements considering the individualized educational plans of autistic students, the effects of mainstreaming, and the feasibility of alternative placements in public and private schools having qualified staff and adequate facilities. Identical to SJ 125.

HJ 97 Medicaid; JLARC to study asset transfers.

Requests the Department of Medical Assistance Services and the Joint Legislative Audit and Review Commission to monitor changes in the federal restrictions on sheltering assets to qualify for Medicaid long-term care services. Identical to SJ 122.

SB 25 Social services; city council member appointed to local board.

See summary for HB 73, which is an identical bill.

SB 48 Kinship foster care; social services to seek thereof.

Amends § 63.2-900 to require a local board of social services, before making a foster care placement, to first seek out kinship foster care. The Board of Social Services shall adopt regulations for determining whether the child has a relative who is eligible to become a kinship foster parent. Kinship foster care placements are subject to the requirements, and receive the benefits, of other foster care placements, including payments for the care of the child.

SB 98 Risk management plan; to include Meals on Wheels Association.

Amends § 2.2-1839 to provide for inclusion under the State's risk management plan any local chapter or program of the Meals on Wheels Association of America or any area agency on aging providing meal and nutritional services to persons who are elderly, homebound, or disabled.

SB 116 Immunizations; minimum requirements for children entering public or private schools or centers.

Amends § 32.1-46 to set out the minimum requirements for the immunization of children for the State Board to include in its regulations. The requirements bring the Commonwealth in line with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians. The bill also requires the State Board of Health to review the section annually and make recommendations to the Governor, the General Assembly, and the Joint Commission on Health Care. The bill is contingent on funding.

SB 117 Immunizations; adds booster dose of tetanus toxoid for certain children.

Amends § 32.1-46 to add the requirement of a booster dose of tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis (Tdap) vaccine in accordance with the board's regulations, which shall also require that prior to entering sixth grade, a child must have another booster dose of Tdap if more than five years have elapsed since the last dose.

SB 182 Community Integration Advisory Commission; created.

Adds §§ 2.2-2524 through 2.2-2529 to establish the Community Integration Commission to monitor the progress of executive branch state agencies toward community integration of Virginians with disabilities. The Commission consists of nonlegislative citizen members who have or represent persons with disabilities and service providers for such persons. The Commission is required to monitor the implementation of state and federal laws pertaining to community integration of persons with disabilities and make appropriate recommendations to the Governor relative to the community integration of Virginians with disabilities.

SB 188 Health and Human Resources, Secretary of; duties.

Adds § 2.2-213.2 to require the Secretary, in consultation with the Secretary of Public Safety, to establish an integrated system for coordinating the planning and provision of services for children with incarcerated parents among state, local, nonprofit agencies and faith-based organizations in order to provide such children with services needed to continue parental relationships with the incarcerated parent, where appropriate, and encourage healthy relationships in the family and community.

SB 190 Group homes and residential facilities; suspension of licenses under certain circumstances.

Amends and adds §§ in Title 37.2 and amends §§ 22.1-329, 63.2-1737, and 66-24 to authorize the Superintendent of Public Instruction, the Director of the Department of Juvenile Justice, and the Commissioner of Social Services to issue orders of summary suspension of a license to operate a group home or other residential facility for children, in cases of immediate and substantial threat to the health, safety, and welfare of residents. The bill also authorizes the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services to issue orders of summary suspension

of a license to operate a group home or other residential facility for adults, in cases of immediate and substantial threat to the health, safety, and welfare of residents. DMHMRSAS obtained identical summary suspension authority for children's group homes and residential facilities in 2005. This bill provides consistency in the legal authority for the interdepartmental licensure program for children's residential facilities by giving all four departments the authority to address egregious circumstances while ensuring due process for the licensees or certificate holders. Emergency regulations are required by the second enactment clause.

SB 253 Child abuse and neglect; reporting requirements by ministers of religion.

Amends § 63.2-1509 to require any adult who has received training in the detection of child abuse and neglect to report it to the local department of social services or the Department of Social Services' toll-free hotline. The bill exempts from the mandatory reporting requirement information required by the doctrine of the religious organization or denomination to be kept in a confidential manner and information that the practitioner would not be required to disclose in court testimony pursuant to other Code provisions.

SB 257 Child day program; exemption from licensure for programs of recreational activities.

Amends § 63.2-1715 to allow an exemption from licensure for programs of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. The programs shall be subject to safety and supervisory standards established by the local governments.

SB 519 Hospitals; designation as rural and Medicare-dependent.

Amends §§ 32.1-122.07 and 32.1-125.3 to establish in state law that any medical care facility licensed as a hospital will be considered a rural hospital on and after September 30, 2004, pursuant to 42 U.S.C. §1395ww(d)(8)(E)(ii)(II), if (i) the hospital is located in an area defined as rural by federal statute or regulation; (ii) the Board of Health defines, in regulation, the area in which the hospital is located as a rural health area or the hospital as a rural hospital; or (iii) the hospital was designated, prior to October 1, 2004, as a Medicare-dependent small rural health hospital, as defined in 42 U.S.C. §1395ww(d)(5)(G)(iv).

SB 689 Workforce Council; change in membership.

Amends § 2.2-2669 to reduce the size of the Virginia Workforce Council from 29 to 25 members, increases the representation from the General Assembly, and conforms the Code provisions pertaining to the composition of the Council to federal law and regulations. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

SB 730 Faith-based community services; Dept. of Social Services to coordinate offers of assistance.

Amends § 63.2-703 to direct the Department of Social Services to coordinate offers of assistance from faith-based organizations during natural disasters.

SJ 96 At-Risk Youth & Families, Comprehensive Services for; study cost effectiveness thereof.

Establishes a joint subcommittee to study the cost effectiveness of the Comprehensive Services for At-Risk Youth and Families program and to collaborate with the Joint Legislative and Audit Review Commission (JLARC) regarding its evaluation of the administration of the Act. The study shall be conducted in two phases. In the first phase of the study, the joint subcommittee shall review the administration of the CSA by state and local governments, including projections of caseloads, service needs and costs, quality of services provided, and make recommendations for improvement of program services and strategies for cost containment. The Commission shall, among other things, (i) evaluate the costs, quality, and reimbursement of children's residential services, (ii) examine interdepartmental regulations of these facilities, (iii) determine whether CSA children receive appropriate care, and (iv) apprise the joint subcommittee of the status of its study and findings. In the second phase of the study, the joint subcommittee and Commission shall continue their respective studies and collaboration and report their final findings and recommendations to the Governor and the 2008 Session of the General Assembly.

SJ 106 Barrier crime laws; impact on social service and health care employers, etc.

Directs the Joint Commission on Health Care to study the impact of barrier crimes laws on social service and health care employers, prospective employees, consumers, residents, patients, and clients.

Specifically, the Joint Commission will (i) determine the effectiveness of barrier crimes laws in protecting consumers, residents, patients, and clients; (ii) examine the difficulty experienced by employers in service delivery agencies in finding qualified applicants and employees, as well as the difficulty experienced by prospective employees in finding jobs; (iii) compare Virginia's barrier crimes laws with laws related to criminal convictions and employment in other states; and (iv) gather data on employment discrimination based on an individual's criminal conviction record from state agencies, institutions, boards, bureaus, commissions, councils, or any instrumentality of the Commonwealth.

SJ 122 Medicaid; JLARC to study asset transfers.

See summary for HJ 97, which is identical.

SJ 125 Autism spectrum disorders; education and treatment.

See summary for HJ 96, which is identical.

Land use, zoning & housing

HB 78 Zoning ordinance; reconstruction/restoration of involuntarily damaged or destroyed nonconformities.

Amends § 15.2-2307 to provide that if a building is damaged or destroyed by a natural disaster, the zoning ordinance may require that such building be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such building cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The rebuilding has to take place within two years, unless the damage comes from a disaster serious enough to be designated a federal disaster, in which case an additional two years may be taken for repairs.

HB 93 Environmental site assessments; local government to adopt ordinances requiring.

Amends §§ 15.2-2242, 15.2-2286, and 55-519 to allow localities to include in their subdivision or zoning ordinances provisions for requiring Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development and Phase II environmental site assessments, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment. A fee may be charged. Such

ordinances may also include provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans. The bill also provides that the residential property disclosure statement provided by the owner of residential real property to a purchaser include disclosure of adverse environmental site conditions. Identical to SB 224.

HB 128 Condominium Act; authorizing condominium association to be applicants in land use matters.

Amends §§ 15.2-852, 15.2-2289, and 55-79.43 to provide that the declarant is authorized to execute, file, and process any subdivision, site plan, zoning, or other land use applications or disclosures related to the condominium during the period that the condominium is under his control. Once the condominium is no longer under the control of the declarant, the authority to execute such land use applications shall belong to the executive organ of the unit owners' association or an appointed representative. Identical to SB 430.

HB 132 Eminent domain; jury to determine just compensation.

Amends and repeals §§ in Title 25.1 and amends §§ 36-27, and 62.1-98 to remove the option of the landowner to choose commissioners to hear an eminent domain case. Only jurors or the court shall be permitted to hear such a matter. All of the jurors in an eminent domain proceeding are required to be freeholders in the jurisdiction of the land in question. Additionally, from of an original panel of 13 jurors, each party will be granted four preemptory strikes.

HB 241 Repurchase by former owner; offer thereof cannot be waived.

Amends § 25.1-108 to eliminate the language relating to waiver of the right to the offer of repurchase in cases of eminent domain and clearly states that such right cannot be waived.

HB 286 Residential Property Disclosure Act; disclosure of pending enforcement actions.

Amends § 55-519 to provide that disclosure and disclaimer forms under the Virginia Residential Property Disclosure Act shall contain a notice from the seller to purchasers that there are no pending building code enforcement actions that affect the safe, decent, and sanitary living conditions on the property, of which the owner has been notified by the locality.

HB 308 Zoning ordinance; violations thereof, penalty.

Amends § 15.2-2209 to raise the maximum civil penalty for an initial summons from \$100 to \$200 and subsequent violations from \$250 to \$500.

HB 336 Special use permits; none required if erecting tent intended for temporary structure.

Adds § 15.2-2288.2 stating that localities may not require a special use permit for the erection of certain tents intended to serve as temporary structures for a period of three days or less and that will be used primarily for private or family-related events.

HB 521 Landscape architects; acceptance of plans by state and local authorities.

Amends § 54.1-409 to provide that plans and specifications submitted by a certified landscape architect, shall be accepted by local and state authorities in connection with both public and private projects. Currently state and local authorities have the discretion to accept plans and specifications from landscape architects but are not required to.

HB 631 Condemnation proceeding; parties must attend dispute resolution evaluation session.

Adds § 25.1-205.1 to require that the parties in a condemnation proceeding attend a dispute resolution orientation session.

HB 665 Outdoor advertising; vegetation control.

Amends § 33.1-371.1 to establish a consistent statewide standard for vegetation control throughout the Commonwealth, including inside municipalities. The bill would clearly establish applicability of the statewide standard inside municipalities and throughout the Commonwealth by granting VDOT the authority to impose on a billboard company, requesting approval of a vegetation control permit, the obligation to relocate or replant vegetation according to a landscaping plan approved by VDOT. Identical to SB 87.

HB 686 Subdivision ordinances; provisions to allow locality to construct sidewalk.

Amends § 15.2-2242 to allow localities to include in their subdivision ordinances provisions requiring the dedication for public use of a right-of-way for, and the

construction of, a sidewalk on certain lots that are adjacent to an existing sidewalk.

HB 699 Housing Authorities Law; various changes to update provisions.

Amends, adds and repeals §§ in Title 36 and amends § 58.1-3245.1 to make various changes to the Housing Authorities Law. The bill adds several definitions including "blighted area," "blighted property," "conservation area," "redevelopment area," and "spot blight abatement plan." The bill also reconfirms that the elimination of blight in a redevelopment area, the prevention of blight in a conservation area, and the designation of individual properties as blighted pursuant to a spot blight abatement plan are public uses and purposes. In addition the bill (i) updates referendum provisions, (ii) clarifies that written notice of eminent domain and spot blight abatement proceedings shall be sent by certified mail to all record owners at their last known address; (iii) clarifies that an owner in a proposed redevelopment or conservation area has the right to present testimony to the local governing body objecting to the designation of the redevelopment or conservation area, and to acquisition of their property by negotiated purchase or the use of eminent domain, and (iv) clarifies that farm structures are generally exempt from the Housing Authorities Law and that the right to establish redevelopment or conservation areas and use the process of spot blight abatement shall not abrogate the right to farm as protected in § 3.1-22.28.

HB 744 Uniform Statewide Building Code; enforcement actions against owner.

An Act to provide that when the local building official has initiated an enforcement action against the owner of a building or structure and the owner subsequently transfers ownership to an entity in which the owner holds more than 50% of the ownership interest, the pending enforcement action shall continue to be enforced against the owner.

HB 771 Condemnation proceedings; public hearing prior to initiating a condemnation.

Amends § 15.2-1903 to require localities to hold a public hearing prior to adopting an ordinance or resolution initiating a condemnation. Other political subdivisions are also required to hold a public hearing prior to initiating a condemnation. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 915 Automobile graveyards & junkyards; adds Newport News to localities that may require screening.

Amends § 15.2-903 to provide that the City of Newport News may, by ordinance, require screening for certain vacant or abandoned retail or commercial properties. Identical to SB 199.

HB 918 Zoning ordinances; modification and provision.

Amends § 15.2-2309 to provide that the property upon which a property owner has been granted a variance shall be treated as conforming; however, the use or the structure permitted by the variance may not be expanded.

HB 919 Cable television operator; easement conveyed by developer within 30 days after request.

Amends § 15.2-2241 to modify the timing for transfer of easements from a developer to a franchised cable television operator or telephone service provider. Existing language that refers to conveyance by reference on the final plat is amended to require conveyance within 30 days after a written request by the cable operator.

HB 948 Abandoned vehicles; disposal thereof by localities.

Amends § 46.2-1207 to clarify that localities are eligible for reimbursement from the Commissioner of the Department of Motor Vehicles for the removal of inoperable abandoned motor vehicles left on property, either public or private.

HB 955 Eminent domain; religious corporations and unincorporated churches.

Amends §§ 15.2-5214, 15.2-5343, 16.1-319 and 23-50.16:12 to include "unincorporated churches" with regard to certain eminent domain provisions. Religious corporations are included under current law.

HB 975 U.S. Navy Master Jet Base; land use adjacent to certain.

Adds § 2.2-2666.3 to provide that the governing body of any locality in which a United States Navy Master Jet Base or an auxiliary landing field used in connection with flight operations arising from such Master Jet Base is located shall (i) adopt zoning ordinances that require the governing body to consider certain Navy guidelines in deciding discretionary applications for property in noise levels 70 dB DNL or

greater, (ii) evaluate undeveloped properties located in noise zones 70 dB DNL or greater to determine the suitability of such properties for rezoning classifications that would prohibit incompatible uses, (iii) adopt such ordinances or take such other actions as may be recommended in any Joint Land Use Study that has been officially approved by the Navy and the governing body of the locality, and (iv) establish programs to purchase land or development rights from willing sellers in the corridor of land underneath the flight path between the Master Jet Base and the auxiliary landing field known as an interfacility traffic area. Also, such localities are granted authority to exercise the limited right of eminent domain at the request of property owners in acquisition of any lands, easements, and privileges for the purpose of protecting public safety by providing unobstructed airspace for the landing and takeoff of aircraft utilizing such Master Jet Base and preventing incompatible development within Accidental Potential Zone 1 areas surrounding such Master Jet Base. This bill also creates the Oceana/Fentress Military Advisory Council as a subunit of the Virginia Military Advisory Council. The provisions of this act and all authority therein shall terminate in the event that the aircraft and activities necessary to support the operations of a Master Jet Base are designated for realignment outside the locality. Identical to SB 565.

HB 1006 Manufactured homes, etc.; notice to counties, cities, and towns when title is surrendered.

Amends § 46.2-653 to require DMV to make a record of every instance in which the title to a modular home, mobile home, or any other vehicle titled as a trailer is surrendered because it has been placed on a foundation and has ceased to be a vehicle required to be titled, and requires DMV to share this data with local governments.

HB 1021 Zoning ordinances; findings of board of appeals on questions of fact are presumptively correct.

Amends § 15.2-2314 to provide that the findings and conclusions of the board of zoning appeals on questions of fact are presumptively correct and requires the circuit court to hear any arguments on questions of law de novo.

HB 1073 Conditional zoning; localities may accept proffered conditions once public hearing has begun.

Amends §§ 15.2-2297, 15.2-2298 and 15.2-2303 to provide that localities may accept proffered conditions

or amendments once a public hearing has begun if the amended proffers do not materially affect the overall proposal.

HB 1099 Eminent domain; certain persons eligible for relocation expenses.

Amends § 25.1-408 to raise from \$50,000 to \$75,000 the cap on relocation expenses that may be paid to certain persons displaced from their business or farm operation.

HB 1144 Conveyance of property; additional method for subdivision of lot to family member.

Adds § 15.2-2244.1 to allow a locality to include in its subdivision ordinance provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, if (i) the property has been owned for at least 15 consecutive years by the current owner or member of the immediate family and (ii) the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. The locality may require that the subdivided lot is no more than one acre and otherwise meets any other express requirement contained in the Code of Virginia or imposed by the local governing body.

HB 1192 Cash proffers; road improvements.

Amends § 15.2-2303.2 to allow localities to award a contract without complying with the procurement act to certain entities that are willing to construct a more extensive road improvement by using cash proffers of others as well as other available funds, upon a written determination by the governing body stating the basis for awarding one construction contract to extend the limits of the road improvement. **Emergency.**

HB 1236 Fair Housing Law; removes exemption of single-family house from certain section.

Amends § 36-96.2 to remove the current exemption of single family houses from the Fair Housing Law section relating to restrictive covenants. Any restrictive covenants based on race, color, religion, national origin, sex, elderliness, familial status or handicap are void and against Virginia public policy.

HB 1291 Landmarks, historic; resources such as buildings, structures, etc.

Amends §§ in Title 10.1 to clarify that anything listed on the Virginia Landmarks Register is by definition a landmark. Thus, when used in reference to properties that have been registered, the term "landmark" includes a wide range of resources such as historic buildings, structures, objects, sites, and districts.

HB 1326 Abandoned buildings; localities may take action to secure those that threaten public safety.

Amends § 15.2-906 to provide that localities may take action to prevent unauthorized access to buildings that significantly threaten public safety within seven days of reasonable written notice.

HB 1372 Land use; disclosure requirements in proceedings.

Amends § 15.2-852 to provide an exception to the disclosure requirements in land use proceedings where the board of supervisors is the applicant and the application property involves more than 10 parcels under different ownership. The bill also clarifies that with respect to amendments of a zoning ordinance, the disclosure requirements apply only to zoning map amendments.

HB 1375 Plats; certain preliminary to be forwarded to state agency for review.

Amends § 15.2-2260 to require certain preliminary plats to be forwarded to the appropriate state agency for review within 10 business days of receipt by the locality.

HB 1435 Farm wineries; local regulation thereof, report.

Adds § 15.2-2288.2 to provide that localities may not require that a special exception or special use permit be obtained for the processing of wine by licensed farm wineries. Also, no locality may adopt any requirements for special exceptions or special use permits relating to licensed farm wineries that would be more restrictive than its requirements in effect as of January 1, 2006. Further, any special exception or special use permit in effect as of January 1, 2006, shall remain in effect until July 1, 2007, unless such exception or permit is either no longer required by the locality or is amended to be less restrictive. Other provisions are also included that are generally intended to temporarily preserve the status quo while the Secretary of Agriculture and Forestry undertakes a study of issues surrounding the farm winery industry.

The results of such study are to be reported to the 2007 Session of the General Assembly.

HB 1506 Proffered cash payments; lowers minimum population growth to 5% and grants flexibility on spending proffers.

Amends §§ 15.2-2298 and 15.2-2303.2 to provide that a locality may accept proffered conditions if such locality has had population growth of five percent or more from the next-to-latest to latest decennial census years used in the US census. In addition, the bill provides that a zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, including the payment of cash for any off-site road or transportation improvement that is adopted as an amendment to the required comprehensive plan and incorporated into the capital improvements program. The bill further provides that a locality may utilize any cash payments proffered for any road or transportation improvement that is incorporated into the capital improvements program as its matching contribution under the present revenue-sharing fund program for highway systems in certain counties.

HB 1528 Capital improvement programs; includes estimates of cost of road transportation improvement.

Amends § 15.2-2239 to provide that a capital improvement program shall include estimates of cost of each road and transportation improvement that the locality chooses to include in the plan.

HB 1537 Condemnation; allowing owners to relocate sport shooting ranges.

Amends § 15.2-917 to provide that any sport shooting range operating or approved for construction in the Commonwealth, which upon condemnation relocates to another site in the same locality, shall not be subject to any noise control standard more stringent than those in effect when the sport shooting range was originally approved for construction or began operating, whichever was earlier.

HB 1554 Residential Property Disclosure Act; seller of historic property to provide notice to purchaser.

Amends § 55-519 to provide that the disclosure and disclaimer forms required under the Virginia Residential Property Disclosure Act contain a notice to purchasers that the property is located in a historic district if the owner has knowledge of such designation. Otherwise, the notice shall advise

purchasers to exercise whatever due diligence prior to settlement.

HB 1562 Residential Property Disclosure Act; disclosure of previous mining and presence of abandoned mines.

Amends § 55-518 to provide that for the sale of new dwellings the builder or owner, if the builder is not the owner, must disclose to the purchaser whether the builder or owner has any knowledge of (i) whether mining operations had previously been conducted on the property or (ii) the presence of abandoned mines, shafts, or pits. This disclosure requirement is limited to property located wholly or partially in the Town of Ashland, City of Richmond and Counties of Charles City, Chesterfield, Goochland. Hanover, Henrico, New Kent, and Powhatan.

HB 1575 Utility easements; considered to touch and concern servient estate.

Adds § 55-50.2 to provide that in the case of utility easements, the easement is considered to touch and concern the servient estate and shall run with the land whether or not the easement is appurtenant or in gross. The bill applies to easements expressly granted by an instrument recorded on or after July 1, 2006.

SB 46 Local housing rehabilitation zones; created.

Adds § 36-55.64 to authorize localities to designate housing rehabilitation zones for granting incentives to rehabilitate housing to perform general improvement of the neighborhood. Incentives include reduced user fees, special tax incentives, special zoning, expedited permitting, and the waiver of tax liens under certain circumstances. In addition, the locality is authorized to establish a special service district to expand or improve the public infrastructure in a rehabilitation zone.

SB 87 Outdoor advertising; vegetation control.

See summary for HB 665, which is an identical bill.

SB 95 Cluster development; exempts property located in an Air Installation Compatible Use Zone.

Amends § 15.2-2286 to exempt property located in an Air Installation Compatible Use Zone from a requirement for administrative approval by a locality of certain types of cluster development.

SB 162 Administrative Process Act; exempts regulations adopted by Bd. for Housing & Community Development.

Amends §§ 2.2-4006 and 36-100 to exempt from Administrative Process Act (APA) regulations adopted by the Board for Housing and Community Development pursuant to the (i) Statewide Fire Prevention Code, (ii) Industrialized Building Safety Law, (iii) Uniform Statewide Building Code, and (iv) the construction, maintenance, operation, and inspection of amusement devices, provided that certain procedural requirements are followed by the Board. Portions of the APA concerning public petitions and regulatory review of the Governor and General Assembly remain applicable.

SB 199 Automobile graveyards & junkyards; adds Newport News to localities that may require screening.

See summary for HB 915, which is an identical bill.

SB 269 Condominium Act; conversion condominiums and notice to locality.

Amends § 55-79.92 in the case of receipt of an application for a condominium that is a conversion condominium, the agency shall, within five business days, also issue a notice of filing to the chief administrative officer of the county or city in which the proposed condominium is located, which notice shall include the name and address of the applicant and the name and address or location of the proposed condominium.

SB 273 Affordable Dwelling Unit ordinance; Arlington County permitting certain densities in comp. plan.

Adds § 15.2-735.1 to authorize Arlington County to provide in its comprehensive plan for the physical development within the County for densities of development ranging between a floor area ratio (FAR) of 1.0 (1.0 FAR) and a floor area ratio of 10.0 (10.0 FAR) or greater in some or all parts of the county. The bill authorizes the County to establish affordable housing contributions from developers as a condition of the governing body's approval of a special exception application for residential, commercial, or mixed-use projects with a density equal to or greater than 1.0 FAR. Under the bill, the provisions of the ordinance would allow the developer to provide on-site Affordable Dwelling Units, off-site Affordable Dwelling Units, or a cash contribution to the County's affordable housing fund in lieu of providing the units.

SB 371 Subdivision ordinance; optional provisions in Fairfax County.

Amends § 15.2-851.1 to provide that if an owner or developer has not met all previous land development obligations in accordance with all development agreements with the locality as determined by the governing body or its designated administrative agency for the previous seven years, then (i) a personal, corporate, or property bond may be disallowed by the governing body as security for such facilities, and in such event, security for such facilities shall be restricted to a certified check, cash escrow, or a letter of credit that meets certain requirements; and (ii) the governing body may require that the allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities be greater than 25% of the estimated construction costs, but not exceed 50% of the estimated construction costs. Furthermore, the bill provides that if the subdivider or developer has not met all previous land development obligations in accordance with all development agreements with the locality as determined by the governing body or its designated administrative agency for the previous seven years prior to a written request for partial release, the cumulative amount released may be equal to no less than 80% of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken.

SB 373 Development rights; localities provide for transfer thereof from parcel located in locality.

Adds §§ 15.2-2316.1 and 15.2-2316.2 to allow localities to provide for the transfer of development rights from a parcel of property located in the locality to another parcel of property located elsewhere in the locality.

SB 374 Single-family dwellings; deletes certain optional provisions regarding clustering thereof.

Amends §§ 15.2-2242, 15.2-2286, and 36-98 and adds § 15.2-2286.1 to make currently optional provisions regarding the clustering of single-family housing mandatory for counties and cities that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year. Such localities shall provide in their zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space

developments. In establishing such standards, the localities may include any provisions they determine appropriate to ensure quality development, preservation of open space, and compliance with their comprehensive plan and land use ordinances. Exempts any city or county with a density exceeding 2,000 people per square mile and allows any other locality to enact clustering provisions.

SB 430 Condominium Act; authorizing condominium association to be applicants in land use matters.

See summary for HB 128, which is an identical bill.

SB 565 U.S. Navy Master Jet Base; land use adjacent to certain.

See summary for HB 975, which is an identical bill.

SB 670 Residential Property Disclosure Act; disclosure of resource protection areas.

Amends § 55-519 to provide that the owner of residential real property makes no representation whether the property is located in any resource protection areas or other environmentally protected zones that are subject to governmental regulation. The bill requires the notice to advise purchasers to use whatever due diligent to determine if the property is located in such an area, including review of any official maps.

SB 681 Cash proffers; road improvements.

Amends § 15.2-2303.2 to allow localities to award a contract to certain entities that are willing to construct a more extensive road improvement utilizing cash proffers of others as well as other available funds, upon a written determination by the governing body stating the basis for awarding one construction contract to extend the limits of the road improvement.

Personnel, benefits & compensation

HB 33 State and local employees; military leave of absence.

Amends § 44-93 to provide that whenever an employee returns from federally funded military duty and the required eight-hour rest period overlaps such employee's scheduled work shift, the employee must receive paid military leave to the extent of the overlap.

HB 37 Retirement System; benefits for emergency medical technicians.

Amends § 51.1-138 to add local emergency medical technicians to the list of local employees for whom localities may provide, at local option and local expense, retirement benefits equivalent to those provided to State Police officers.

HB 255 Line of Duty Act; mandatory training required for employees covered thereby.

Adds § 9.1-407 to require the Secretary of Public Safety to develop training guidelines to be distributed to agencies and localities with employees covered by the Line of Duty Act. Each agency or locality shall be required to provide training concerning the Act to its eligible law-enforcement and public safety officers. The training will not count towards in-service credit requirements for law-enforcement officers.

HB 382 Professional librarians; qualifications.

Amends § 42.1-15.1 to eliminate a current exemption for localities having a population greater than 13,000 to use non-state funds to employ, as a professional librarian, a person who does not meet the qualifications established by the State Library Board. Currently such public libraries cannot use funds derived from any state aid to employ a professional librarian who does not meet the qualifications established by the State Library Board. The bill provides that it applies to any person employed on or after July 1, 2006.

HB 420 Health insurance credits; clarifies eligibility.

Amends § 51.1-1403 to clarify that employees can combine their service as General Registrars and service as an employee of a General Registrar to meet the vesting requirements for the Health Insurance Credit Program.

HB 452 VRS; transfer of contributions to optional plan.

Amends § 51.1-161 to make a technical correction to allow all members who have a VRS member contribution account and who become covered under a VRS Optional Retirement Plan to transfer their accumulated contributions to the optional retirement plan.

HB 455 Life insurance; reductions in coverage for disability retiree.

Amends § 51.1-505 to make a technical correction that clarifies the date when reductions in life insurance coverage begin to phase-in for state and local retirees.

HB 473 VRS; local retirement plans not participating in the VRS.

Amends § 51.1-800 to delete the requirement that VRS determine if the retirement plans of localities not participating in the VRS are fulfilling the statutory requirement of providing a service retirement allowance to each employee who retires at age 65 or older that equals or exceeds two-thirds of the service retirement allowance to which the employee would have been entitled had he retired under VRS.

HB 476 Severance benefits to state and local officials to be publicly announced.

Amends §§ in Title 2.2 and adds § 15.2-1510.1 to require that any severance benefits provided to departing Cabinet Secretaries and agency heads at the state level, and any departing official appointed by a local governing body, shall be publicly announced by the appointing authority prior to such departure.

HB 567 Unemployment compensation; increases maximum weekly benefit.

Amends § 60.2-602 to increase the maximum weekly benefit from \$330 to \$347 for claims effective on or after July 3, 2006.

HB 761 Health group cooperatives; plan coverage for small employers.

Amends and adds §§ in Title 38.2 to authorize the establishment of cooperatives for the purpose of offering, providing or facilitating the provision of coverage for health care services to participating small employers. Membership in health group cooperatives is limited to employers with not more than 50 eligible employees. A small employer health group cooperative is deemed to be a single entity for purposes of negotiating the terms, including premium rates of coverage. Cooperatives shall elect to either be the policyholder of a group policy covering employer-members or a sponsoring entity that facilitates the provision of separate policies for each of its employer-members. If a cooperative elects to be the group policyholder, the agreement shall address the collection of funds from employer-members when one employer-member fails to remit its share of the premium.

HB 1180 Public safety employee hardship; powers of Governor during emergency.

Amends § 44-146.17 to allow the Governor to provide up to \$2,500 per month for up to three months to a state or local public safety employee responding to a natural or manmade disaster who has suffered an extreme personal or family hardship in the affected area.

HB 1390 Firefighters; shall not require minor who achieved certification to repeat certification.

Amends §§ 27-14 and 40.1-79.1 to provide that local ordinances shall not require a minor who achieved firefighter certification as administered by the Department of Fire Programs prior to January 1, 2006, and between the ages of 15 and 16 to repeat the certification after his sixteenth birthday.

HB 1418 Line of Duty Act; payment of benefits.

Amends § 9.1-402 to increase from \$75,000 to \$100,000 the amount for which a beneficiary of a deceased person whose death occurred while in the line of duty as the direct or proximate result of the performance of his duty is eligible to receive.

HJ 116 Animal control officers; need for regulation, training, etc.

Directs the Virginia State Crime Commission to study the need for regulation, training and funding of animal control officers.

HJ 158 Health care coverage; JLARC to study extension thereof to those currently uninsured.

Directs the Joint Legislative Audit and Review Commission to study options for extending health insurance coverage to Virginians who are currently uninsured.

SB 115 Retirement System; benefit restoration plans.

Amends § 51.1-1302 to authorize localities that provide supplemental benefits to employees covered by the Virginia Retirement System to establish benefit restoration plans.

SJ 4 Health insurance premiums; increase in health care costs.

Directs the Joint Commission on Health Care to study the derivative effects of increases in health care costs

on health insurance premiums. In conducting its study, the Joint Commission on Health Care must examine (i) the factors leading to rising health care costs in the Commonwealth, (ii) the derivative effects of rising health care costs including increases in health insurance premiums and denial of coverage, and (iii) ways to reduce health care costs in the Commonwealth and alleviate burdens associated with the rising cost of health care.

Procurement

HB 64 Public Procurement Act; bids or proposals for transportation-related projects.

Amends §§ 2.2-4336 and 2.2-4337 to raise from \$100,000 to \$250,000 the threshold for requiring performance and payments bonds on transportation projects. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 122 SWAM businesses; additional certification not required to participate in any program.

Amends §§ 2.2-1401 through 2.2-1404, 2.2-1405, 2.2-4310, 15.2-965.1, and 18.2-213.1 to include small and women-owned business enterprises in the certification program administered by the Department of Minority Business Enterprise. The bill provides that a business certified by the Department shall not be required by any locality to obtain any additional certification to participate in any program designed to enhance the participation of such businesses as vendors or to remedy any documented disparity. Identical to SB 662.

HB 458 Public Procurement Act; public body to enter into cooperative procurement for professional services.

Amends § 2.2-4304 to allow a public body to enter into cooperative procurements for professional services, except for architectural or engineering services, even though the public body did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

HB 671 Design-build contracts; allows localities to award for construction of transportation projects.

Adds § 33.1-223.2:16 to allow counties, cities, and towns to award contracts for the construction of transportation projects on a design-build basis.

HB 994 Public Procurement Act; purchase of certain insurance in construction projects.

Adds § 2.2-4308.1 to allow a public body to purchase an owner-controlled insurance program in connection with any public construction contract where the amount of the contract or combination of contracts is more than \$100 million.

HB 1183 Public Procurement Act; procurement of professional services.

Amends § 2.2-4301 to provide an exception to the competitive negotiation process for the procurement of professional services allowing a public body to award contracts to more than one offeror when the terms and conditions for multiple awards are included in the request for proposal.

HB 1259 Public Procurement Act; contractors responsibility for performance and payment bonds.

Amends § 2.2-4337 to require that for any construction contract exceeding \$100,000, paid for with public funds, the contractor must furnish performance and payment bonds even if the public body is not the contracting entity.

HB 1416 Procurement Act, Public; design-build by certain local public bodies.

Amends § 2.2-4303 to allow localities to use design-build or construction management contracts on projects under \$1 million without seeking approval from the state Design-Build Review Board.

HB 1488 Disposition of surplus materials; online public auctions.

Amends §§ 2.2-1124 and 15.2-951 to add online public auctions as a permissible means by which the Commonwealth and localities thereof may dispose of surplus materials. Localities that elect to dispose of surplus materials through public sale or auction (including online public auction) are subject to the same provisions applicable to state agencies, departments, divisions, and institutions that dispose of surplus materials by public sale or auction. Identical to SB 449.

SB 271 Public Procurement Act; purchase of certain insurance in construction projects.

Adds § 2.2-4308.1 to allow a public body to purchase an owner-controlled insurance program in connection with any public construction contract where the amount of the contract or combination of contracts is more than \$100 million. The bill defines owner-controlled insurance program and provides that no contractor or subcontractor can be required to provide insurance coverage for a construction project is that specified coverage is included in an owner-controlled insurance program in which the contractor or subcontractor is enrolled. The bill also provides that a provider of architectural and professional engineering services cannot be required to participate in such a program, except if public body elects to secure excess coverage.

SB 449 Disposition of surplus materials; online public auctions.

See summary for HB 1488, which is an identical bill.

SB 662 SWAM businesses; additional certification not required to participate in any program.

See summary for HB 122, which is an identical bill.

SB 666 Public-Private Transportation Act; allocation of concession payments.

Amends and adds §§ in Titles 33.1 and 58.1 and amends §§ in Title 56 to clarify that public-private transportation projects are to be treated like public projects for the purpose of most taxation and land-use matters. Establishes conditions for indirect ownership by the public agency, the property involved in a public-private transportation project remains public property despite a transfer to a concessionaire. Because the concessionaire fills the role of the public agency, the project is not subject to recordation taxes or BPOL taxes. The concessionaire's payments to VDOT are to be placed in a special sub-account of the Transportation Trust Fund, with the proceeds to be used in specified ways.

SB 732 Public Procurement Act; design-build projects by local public bodies, methods of procurement.

Amends §§ 2.2-4303 and 2.2-4308 to provide that design-build or construction management projects undertaken by any local governing body of a locality with a population in excess of 100,000 shall be exempt from approval of the Design-Build Review Board. These localities, however, must first have had

a one-time determination by the Design-Build Review Board that the locality has the personnel, procedures and expertise to enter into such contracts. As a result, such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

Public safety

HB 370 Firearms; public highways.

Amends § 15.2-1209.1 to amend existing provisions related to regulation of carrying loaded firearms along public highways by clarifying that the provisions apply only to hunting. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 514 DUI; breath test admissible as evidence in civil and criminal cases.

Amends § 18.2-268.9 to provide that copies of records relating to any breath test conducted pursuant to a DUI prosecution shall be admissible provided such copies are authenticated as true copies either by the custodian thereof or by the person to whom the custodian reports.

HB 622 Prescriptions; exception to requirement for patients in certain correctional institutions.

Amends § 54.1-3408.01 to provide an exception to the requirement that prescription order forms must be for only one prescription to allow for submission of a single document containing multiple prescriptions written for patients residing in adult and juvenile detention centers, local or regional jails, or work release centers operated by the Department of Corrections.

HB 650 School buses; maximum speed limit allowed.

Amends § 46.2-871 to allow for maximum speed limits for school buses of 45 mph on highways with posted speed limits of 55 mph or less and 55 mph on highways with posted speed limits greater than 55 mph.

HB 653 Nonevidentiary substances or paraphernalia; disposal thereof.

Amends § 19.2-386.23 to allow the chief law-enforcement officer of an agency to assign a designee

who may order, with proper authorization of the attorney for the Commonwealth, the destruction of non-evidentiary substances or paraphernalia.

HB 775 Predicate criminal act; addition to list of crimes included in definition.

Amends § 18.2-46.1 to expand the definition of predicate criminal act under crimes by gangs to include threats to bomb (§ 18.2-83) and receiving money for procuring person for prostitution (§ 18.2-356). Identical to SB 473.

HB 816 Recording devices in motor vehicles; access to recorded data.

Adds §§ 46.2-1088.6 and 46.2-1532.2 to define ownership of the data on a recording device installed in a motor vehicle; defines access by emergency response providers and law enforcement officials. Identical to SB 90.

HB 824 Signs; authorizes any town to request and pay for installation thereof.

Amends § 33.1-210.2 to authorize any town to request and pay for the installation of "children at play" signage by the Virginia Department of Transportation without the approval of the county in which the town is located.

HB 847 Gangs; collection of information on individuals identified as members thereof.

Amends §§ 2.2-2618, 16.1-300, 53.1-10, and 66-3.2 to require the Departments of Corrections and Juvenile Justice to collect information on individuals identified as gang members and transmit it to the Commonwealth's Attorneys' Services Council. The Council will disseminate the information to attorneys for the Commonwealth. The bill also specifies that law-enforcement agencies, school administrations and probation offices are included as entities that may examine certain juvenile records held by the Department of Juvenile Justice if there is a court order determining that they have a legitimate interest. In addition, the Department of Juvenile Justice will be allowed to release the social reports and records of a child to certain law enforcement employees for the purpose of investigating criminal street gang activity. Identical to SB 561.

HB 917 Fog lights; not more than two may be illuminated at any time.

Amends § 46.2-1020 to provide that not more than two fog lights may be illuminated at any time.

HB 983 Animal or animal products; compensation for those destroyed to control disease outbreak.

Adds § 3.1-741.6 to allow the Commissioner of Agriculture and Consumer Services, with the approval of the Governor and the Secretary of Agriculture and Forestry, to pay to the appropriate persons, from funds so appropriated, a portion of the difference between the appraised value of each animal or animal product destroyed and the total of the value of the salvage thereof and any compensation made for each animal or animal product by the federal government. This applies to animals destroyed at the direction of the State Veterinarian for the control or eradication of an animal disease outbreak.

HB 1027 Traffic incidents; reimbursement of expenses incurred in responding to by volunteer fire, etc.

Amends § 15.2-1716 to authorize a locality to provide, by ordinance, that a person convicted of violating a DUI or other traffic statute shall be liable for restitution at the time of sentencing to the locality, or a responding law enforcement or volunteer fire or rescue squad, for reasonable expenses incurred by such locality, or responding law enforcement or volunteer fire or rescue squad when providing an appropriate emergency response to any accident or incident related to such violation.

HB 1036 Campus safety; DCJS to develop training standards for officers.

Amends § 9.1-102 to require the Department of Criminal Justice Services to develop training standards for campus security officers and to provide technical support and assistance to campus police departments and campus security departments. The bill has an effective date of July 1, 2007. Identical to SB 560.

HB 1039 Dogs; regulation of those that may be dangerous.

See summary for HB 340, which is an identical bill. SB 200 also is identical.

HB 1047 Traffic light signals; police to use wireless telecommunications devices for enforcement.

Amends § 46.2-833 to allow police to use wireless telecommunications devices in enforcement of traffic light signals. The General Assembly rejected gubernatorial amendments so the bill has been

returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 1145 Emergency medical services agencies; surface transportation and removal surfaces exemption.

Amends § 54.1-2819 to exempt emergency medical services agencies holding a permit issued by the Commissioner of Health from registration as surface transportation and removal services to remove and transport dead human bodies. Currently, emergency medical services agencies must apply for and receive a registration from the Board of Funeral Directors and Embalmers to remove and transport dead human bodies. Emergency medical services agencies are assessed a fee for this registration.

HB 1170 Emergency management, appointment of emergency coordinators.

Amends § 44-146.19 to require each locality to maintain an agency of emergency management and to appoint a coordinator of emergency management. Currently, the authority to establish such an agency and appoint a coordinator is discretionary.

HB 1208 Alcoholic beverages; certain exemption in home of another for underage.

Amends § 4.1-200 to require a guest to be 21 years of age or older or to be accompanied by his parent, guardian, or spouse in order to be served alcohol in the home of another. Identical to SB 396.

HB 1210 Alcoholic beverages; penalty for underage purchasing or possession thereof.

Amends § 4.1-305 to make it a mandatory six-month suspension of the person's driver's license for a person age 18 or older to whom an alcoholic beverage may not lawfully be sold to purchase, consume or possess alcohol in violation of § 4.1-304.

HB 1265 Emergency services and disasters; constitutional rights.

Amends § 44-146.15 to provide that nothing in Chapter 3.2 of Title 44 relating to emergency services and disaster laws should be interpreted as allowing the Governor or any other governmental authority to limit the right to keep and bear arms pursuant to the Constitutions of Virginia and of the United States. These rights include the lawful possession, sale, and transfer of firearms. These rights are not extended to places designated as emergency shelters.

HB 1279 Notification to school principals; required by local law enforcement when students charged.

Amends § 22.1-279.3:1 to amend the requirement that principals or their designees receive notification from local law-enforcement authorities when students in their school commit certain crimes to require that such notification be given, whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond.

HB 1312 Laser speed determination devices; law-enforcement officer not required to show motorists reading.

Amends § 46.2-882 to eliminate the requirement that law-enforcement officers permit motorists to observe the reading on the device. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 1356 Mutual aid agreements; all sheriffs have authority to enter into.

Amends § 15.2-1736 to allow all sheriffs to enter into mutual aid agreements. Current law applies only to sheriffs with primary law-enforcement authority.

HB 1431 Special conservator of peace; authority to arrest.

Amends § 19.2-13 to provide that a special conservator of the peace may have the authority to affect arrests and to use up to the same amount of force as would be allowed to a law-enforcement officer when making a lawful arrest.

HB 1482 Missing children; school board to receive report from local law-enforcement.

Amends §§ 22.1-288.1 and 52-31.1 to enhance current procedures for notation in school records of missing children and local law-enforcement cooperation with the schools by mandating that, (i) within 24 hours of the missing child report, local law enforcement must notify the principal of the school where the missing child is or was most recently enrolled of the report so that the school can mark the student's record; and (ii) upon notification that the marked child's record has been requested, the Superintendent of State Police must immediately initiate an investigation into the circumstances surrounding the request.

HB 1509 Identity theft; reporting to law-enforcement agencies.

Amends §§ 18.2-186.3:1 and 18.2-186.5 to provide that a consumer may report a case of identity theft to the law-enforcement agency where he resides. The bill also provides that upon receipt of a court order and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, shall issue an "Identity Theft Passport" stating that such an order has been submitted.

HB 1526 Probation; placement of certain offenders within community-based agency.

Amends §§ 9.1-174 and 19.2-303.3 to provide for placement of certain offenders within a community-based probation agency. The bill also provides that the court may revoke all or part of the suspended sentence if the offender refuses to comply with the community-based probation agency or if the offender commits a new offense while under agency supervision.

HB 1577 Concealed handgun permits; renewal thereof.

Amends §§ 15.2-915.3 and 18.2-308 to eliminate the ability of a locality to require an applicant for a concealed handgun permit to submit fingerprints as part of the renewal of an existing permit. The bill modifies the current law provision that a court may disqualify an applicant from receiving a concealed handgun permit based upon specific acts that indicate that the applicant would use a weapon unlawfully or negligently by adding a disqualifying conviction and allowing the personal knowledge of a deputy sheriff, police officer or assistant Commonwealth's Attorney to be the basis for the specific acts alleged by the sheriff, chief of police, or Commonwealth's Attorney. The bill adds a definition of personal knowledge and defines it as knowledge of a fact that a person has himself gained through his own senses or knowledge that was gained by a law-enforcement officer or prosecutor through the performance of his official duties.

A permit holder who changes his address must notify the issuing court of his change of address within 30 days.

The bill provides a 90-day grace period for a member of the armed forces to renew his concealed handgun permit if the permit expired during an active-duty military deployment. During the 90-day period, which begins when the person returns from deployment, the permit holder would be required to carry written

documentation of the start and end dates of the deployment.

The bill requires the Department of State Police, in consultation with the Supreme Court on the development of the application for a concealed handgun permit, to include a reference to the Virginia Supreme Court website address or the Virginia Reports on the application.

Concealed handgun permits would no longer have to be renewed every five years if the Virginia State Police receive an appropriation sufficient to conduct a criminal background check on all valid concealed handgun permits annually. The bill creates a Class 6 felony for any person who knowingly is in possession of a revoked concealed handgun permit while in possession of a concealed handgun.

HB 1582 Local government & school divisions; cooperative transportation agreements between.

An Act to provide that any local government or combination of governments within planning district 16 may enter into cooperative agreements with a local school division for the use of school vehicles for public transportation purposes during non-school hours. Such agreements may utilize public or private funds for addressing the costs of the program. An enactment clause provides that if no such agreements are entered into by July 1, 2010, the provisions of the act will expire on July 1, 2010.

HJ 35 DUI; Crime Comm. to study existing punishments.

Directs the Virginia State Crime Commission to study the effectiveness of existing punishments for driving while intoxicated.

HJ 124 Animal ordinance, public nuisance; VACO, VML to advise members to adopt.

Encourages VACO and VML to advise and advocate to their respective members to adopt a nuisance animal ordinance.

HJ 136 Juvenile justice system; Crime Commission study.

Directs the Virginia State Crime Commission to conduct a two-year study of Virginia's juvenile justice system. The study will focus on recidivism, disproportionate minority contact with the justice system, improving the quality of and access to legal counsel, accountability in the courts, and diversion. In

addition, Title 16.1 of the Code of Virginia will be analyzed to determine the adequacy and effectiveness of Virginia's statutes and procedures relating to juvenile delinquency.

SB 90 Recording devices in motor vehicles; access to recorded data.

See summary for HB 816, which is an identical bill.

SB 100 Alcoholic beverage control; alcohol vaporizing devices prohibited, penalty.

Amends and adds §§ in Title 4.1 to prohibit any person from purchasing, offering for sale, selling or using or offering for use any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device, including licensees of the Alcoholic Beverage Control Board. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor. The bill defines alcohol vaporizing device as any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

SB 120 Protective orders; respondent to pay deposits to connect or restore utility services.

Amends §§ 16.1-253.1 and 16.1-279.1 to provide that a respondent may be ordered to restore or may be enjoined from terminating a necessary utility service to the residence that the petitioner has been granted exclusive possession of. The respondent can also be ordered to pay deposits to connect or restore necessary utility services if the respondent was required to provide alternative housing for the petitioner. The bill also allows for any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

SB 173 Port Authority; allows police thereof to provide security for private terminal operators.

Adds § 62.1-132.12:1 to allow the Authority to enter into agreements with private terminal operators to permit special police officers to provide and enforce safety and security on the operator's property.

SB 184 Housing programs; creating and implementing for ex-offenders.

Amends § 36-139 to direct the Director of the Department of Housing and Community Development, in consultation with the Virginia Housing Development Authority, to develop a strategy for the creation and implementation of

housing programs and community development for meeting the housing needs of persons who have been released from federal, state, and local correctional facilities.

SB 200 Dogs; regulation of those that may be dangerous.

See summary for HB 340, which is an identical bill. HB 1039 also is identical.

SB 299 DUI of alcohol or drugs; maximum punishment.

Amends § 18.2-270 to clarify that in no case shall mandatory minimum punishments for DUI cumulate so as to exceed the statutory maximum punishment for a Class 1 misdemeanor or, in the case of a third or subsequent offense, for a Class 6 felony.

SB 327 Alcoholic beverage; mixed beverage restaurant licenses.

Amends § 4.1-210 to provide that "other designated areas" where a mixed beverage restaurant licensee may sell and serve mixed beverages includes outdoor dining areas, whether or not contiguous to the licensed premises, provided such areas are under the control of the licensee and approved by the Board. Currently other designated areas must be on the premises of the restaurant.

SB 386 Alcoholic beverage; exception to tied house law.

Amends §§ 4.1-206, 4.1-231, and 4.1-233 to allow the Virginia Alcoholic Beverage Control Board to grant motor car sporting event licenses to allow for the consumption of lawfully acquired alcoholic beverages on the premises of the licensee during such events. Alcoholic beverages shall not be sold or charged for in any way by the licensee. This bill also provides for a \$130 state tax and a \$10 local tax for such license.

SB 395 Enhanced Public Safety Telephone Services Act; expands jurisdiction of Wireless E-11 Services Board.

Amends §§ 56-484.12 through 56-484.15 and 56-484.17 to expand the powers and duties of the Wireless E-911 Services Board to include developing a statewide enhanced 9-1-1 plan for voice-over-Internet service and future communications technologies accessing E-911 for emergency purposes.

SB 396 Alcoholic beverages; certain exemption in home of another for underage.

See summary for HB 1208, which is an identical bill.

SB 415 Burning of woods, etc.; extends period in which prescribed material can occur.

Amends § 10.1-1142 to extend the period in which prescribed burns of woods, brush, leaves, or other flammable material can occur. Currently, a prescribed burn can occur between February 15 and March 1. This bill will allow a prescribed burn to occur from February 15 through April 30.

SB 421 Criminal history record information check; required for those providing care to children, etc.

Amends §§ in Titles 32.1 and 63.2 to require all businesses and organizations that provide care to children, the elderly, or disabled to request a national criminal background check of all employees and volunteers, and punishes failure to do so with a \$500 civil penalty and, in some cases, a Class 3 misdemeanor for a second offense.

SB 457 Sheriff; courthouse security.

Amends § 53.1-120 to provide that funds collected through the \$5 assessment in criminal and traffic cases shall only be used to fund courthouse security personnel and equipment used in connection with courthouse security.

SB 473 Predicate criminal act; addition to list of crimes included in definition.

See summary for HB 775, which is an identical bill.

SB 496 ABC Board; issuance of mixed beverage licenses.

Amends § 4.1-126 to clarify an ambiguity in the law concerning the issuance of mixed beverage licenses to establishments on property developed by an industrial development authority.

SB 561 Gangs; collection of information on individuals identified as members thereof.

See summary for HB 847, which is an identical bill.

SB 685 Alcoholic beverage control; permissible conduct by manufacturers, and wine or beer wholesalers.

Amends and adds §§ in Title 4.1 to authorizes manufacturers of alcoholic beverages and wine or beer wholesalers or their authorized representatives to conduct tastings under certain conditions as part of the privileges of their respective licenses. The bill requires a permit for the authorized representatives. The bill also authorizes (i) any manufacturer to sell service items bearing alcoholic beverage brand references to on-premises retail licensees, (ii) any employee of any alcoholic beverage manufacturer or wholesaler to distribute to retail licensees and their employees novelties and specialties valued at \$10 or less and that bear alcoholic beverage advertising, (iii) any retail on-premises wine or beer licensee, his employee or agent to offer for sale or sell for one price a flight of wines or beers of no more than five different wines or beers, and (iv) any retail on-premises beer, wine or beer, or mixed beverage licensee, or their agents or employees to give samples of alcoholic beverages they are licensed to sell under certain circumstances. The bill also increases the samples of wine or beer a gourmet shop licensee may give from one to two ounces of wine and from two to four ounces of beer.

SJ 126 Prisoner Reentry to Society, Program for; Joint Subcommittee Studying, continued.

Continues the joint subcommittee to study the Commonwealth's program for prisoner reentry to society. In conducting its study, the joint subcommittee shall continue to identify and develop strategies to address key needs and overcome barriers for offenders, prior to and upon leaving prison, to reduce the incidence of reincarceration and increase their successful social adaptation and integration into their communities.

Transportation

HB 111 All-terrain vehicles; allows local governments in Northern Virginia to prohibit operation thereof.

Amends § 46.2-1051 to allow localities in the Northern Virginia Planning District by ordinance to prohibit operation of any all-terrain vehicle not being used for agriculture or silviculture production on a highway or on public or private property within 500 feet of any residential district. SB 191 deals with all terrain vehicles as well.

HB 141 Impact fees for transportation; authorize Fauquier and Spotsylvania Counties to impose.

An Act to add Fauquier, Frederick and Spotsylvania Counties to those localities authorized to impose impact fees for transportation and inserts a reference to the 1990 Census so as to narrow the potential application of that clause to Stafford County only.

HB 143 Highways, bridges, and interchanges; allows Transportation Board to name.

Amends § 33.1-12 to require the Commonwealth Transportation Board to receive resolutions from affected local governing bodies in support of a highway or bridge naming before naming a highway or bridge and requires that costs of producing, placing, and maintaining signs indicating the names of highways and bridges be borne by the locality in which they are located. Highways and bridges are not to be named for living people. Substantially similar to HB 672.

HB 201 Toll facilities; localities may have agreements for construction and operation thereof.

Adds § 33.1-228.1 to allow adjoining counties, cities, and towns to enter into agreements for the construction and operation of toll highways, bridges, and ferries within their boundaries.

HB 206 Road construction; expands powers of service districts to include.

Amends § 15.2-2403 to expand the powers of service districts to include the accumulation and setting aside of annual tax revenue collected for road construction for such reasonable period of time as is necessary to finance such construction.

HB 226 Transportation needs of populations with limited mobility.

Adds § 33.1-23.03:0001 to require the Commonwealth Transportation Board, in cooperation with other agencies and entities vested with transportation planning responsibilities, to establish specific mobility goals for addressing the transportation needs of populations with limited mobility and incorporate such goals in the development and implementation of the Statewide Transportation Plan.

HB 366 Mopeds, motorcycles, etc.; localities to adopt ordinances regulating noise.

Amends and adds §§ in Title 46.2 and amends § 15.2-919 to allow localities to adopt ordinances regulating noise from mopeds and motorized scooters and skateboards. The bill also revises the definitions of "electric power-assisted bicycle," "moped," and "motorcycle," and defines "motorized skateboard or scooter" and "motor-driven cycle" and limits where motorized skateboards and scooters and motor-driven cycles may lawfully be operated. SB 712 is identical.

HB 496 Highway definition expanded.

Amends § 46.2-100 to expand the definition of "highway" in § 46.2-100 to include the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

HB 667 Interstate Highway System; all maintenance thereof to be carried out under certain contracts.

Adds § 33.1-49.1 to require that, with a few exceptions, all maintenance on components of the Interstate Highway System in Virginia be carried out under contracts awarded by the Commonwealth Transportation Commissioner and approved by the Commonwealth Transportation.

HB 672 Highways and bridges; Transportation Board to receive resolutions in support of naming.

See summary for HB 143, which is substantially similar.

HB 677 VDOT; accomplishments, actions, and initiatives.

An Act to require that the Commonwealth Transportation Commissioner annually report in writing to the General Assembly, no later than November 30 of each year, on all actions and initiatives of the Virginia Department of Transportation involving outsourcing, privatization, and downsizing. The bill further requires detailed and specific plans for outsourcing, privatization, and downsizing in the current fiscal year, including, but not limited to, appropriate asset management and intelligent transportation system functions and services.

HB 801 Interstate Public-Private Partnership Compact; created.

Adds § 33.1-464 to establish the Interstate Public-Private Transportation Partnership Compact. Identical to SB 425.

HB 809 Primary and secondary highway systems; projects undertaken by counties.

Amends § 33.1-75.3 to grant counties carrying out construction projects under § 33.1-75.3 the same power to enter property to survey transportation projects granted the Commonwealth Transportation Commissioner. The bill also provides that (i) any county without an existing franchise agreement shall have the same authority as the Department pertaining to the relocation of utilities and (ii) whenever so requested by any county, funding of any project may be supplemented solely by state funds to avoid complying with additional federal requirements, provided that a determination has been made by the Department that adequate state funds are available to fully match federal funds and the Department can meet its federal obligation authority.

HB 823 Speed limits; signs placed in residence districts without approval of county.

Amends § 46.2-878.2 to authorize maximum speed limit signs to be placed in certain residence districts in towns without the approval of the county in which the town is located.

HB 843 HOV lanes; violations thereof.

Amends § 33.1-46.2 to increase the fine for driving in a high-occupancy vehicle lane to \$125. The fine for a second violation within five years of the original violation is increased to \$250. Additionally, any subsequent violation within five years of the original violation in Planning District Eight carries a penalty of three demerit points.

HB 877 Highways; increases cost of maintenance & construction projects carried out by state employees.

Amends § 33.1-190 to provide that the Commonwealth Transportation Board may enter into written agreements with localities for the building and maintenance of any of the roads in any system of state highways by local employees provided that: (i) the locality has obtained a cost estimate for the work of not less than \$300,000 nor more than \$650,000 and (ii) the locality has issued an invitation for bid and has

received fewer than two bids from private entities to build or maintain such roads.

HB 977 Shortline Railway Preservation and Development Fund; created.

Adds § 33.1-221.1:1.2 to create a Shortline Railway Preservation and Development Fund to foster retention, maintenance, and improvement of shortline railways and development of railway transportation support facilities that are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national world markets.

HB 1248 HOV lanes; sunset provision for vehicles bearing clean special fuel license plates.

Amends §§ 33.1-46.2 and 46.2-749.3 to extend the "sunset" to 2007 authorizing the use of HOV lanes by vehicles bearing clean special fuel vehicle license plates. In addition, this bill raises the annual fee for clean special fuel vehicle license plates from \$10 to \$25, with funds being paid to the HOV Enforcement Fund for use by Virginia State Police for enhanced HOV enforcement. Identical to SB 454.

HB 1258 Towing and recovery; local-option regulations.

Amends and adds §§ in Title 46.2 and amends §§ 43-32, 43-34 to provide that local towing regulations can be no less restrictive than those imposed by the new Board for Towing and Recovery Operators. The measure (i) expands localities' ability to regulate "trespass tows" by ordinance and provides that, in the event a vehicle is towed from one locality to be stored in another, the ordinances of the locality from which the vehicle was towed shall apply; (ii) requires that signs used to provide notice that a trespassing vehicle will be towed include at least the non-emergency telephone number of the local law-enforcement agency or the telephone number of the towing and recovery business authorized to perform the tows; (iii) prohibits local requirements that towing and recovery businesses provide service as repair facilities, body shops, or filling stations. Under this measure, localities would be authorized by ordinance to require photographic evidence to justify "trespass tows," posting of signs providing notice of where towed vehicles may be reclaimed and the name and telephone number of the local consumer affairs office, and obtaining the so-called "second signature" from the property owner agent prior to tows. The maximum allowable hookup and initial towing fee for trespass tows of passenger cars would be increased from \$85 to \$125, unless local ordinance sets a different limit,

and the amount of additional fees for late night, weekend, and holiday tows would be raised from \$10 to \$25 not to exceed \$50. The bill allows local governments, by ordinance, to (i) prohibit storage charges for periods of time when owners cannot reclaim their vehicles because the towing and recovery business is closed and (ii) place caps on the charges that these businesses may impose and requires that any such limits be subject to "periodic and timely" adjustments. Local towing and advisory boards must include local law-enforcement agencies and representatives of towing and recovery operators, plus one "civilian" and would have to meet at least once per year at the call of the chairman, who is to be chosen annually by a majority vote of the board. Identical to SB 134. Portions of the bills do not apply until July 1, 2008.

HB 1513 Transportation planning; coordination of state and local.

Amends § 15.2-2223 and adds § 15.2-2222.1 to provide that prior to adoption of any comprehensive plan or amendment the locality shall submit such plan or amendment to the Department of Transportation for review and comment. The Department shall provide written comment on the proposed plan or amendment within 90 days of receipt thereof. Also, upon submission to a locality of an application for rezoning, the locality shall submit such application to the Department of Transportation within 10 business days of receipt thereof. Such application shall include a traffic impact statement if required by the locality by ordinance. Within 45 days of its receipt of such application, the Department shall either (i) provide written comment on the rezoning application, or (ii) schedule a meeting, to be held within 60 days of its receipt of the application, with the local planning commission or other agent and the applicant to discuss potential modifications to the application to address any concerns or deficiencies. Furthermore, upon submission to a locality of a subdivision plat or a site plan or plan of development, the locality shall submit such plat or plan to the Department of Transportation in accordance with § 15.2-2260 within 10 business days of receipt of the plat or plan. The bill also provides that a local comprehensive plan may include the designation of new and expanded transportation facilities and recommendations that support the planned development of the territory covered by the plan. Identical to SB 699.

HB 1521 Comprehensive plans; road improvements.

Amends §§ 15.2-2223 and 15.2-2224 to require that the comprehensive plan shall designate the general or

approximate location, character, and extent of each road and transportation improvement shown on the plan. The bill also requires that the comprehensive plan include an official map that shall show road and transportation improvements, including the cost of such road and transportation improvements, which are sufficient to meet the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated. The bill further provides that the comprehensive plan may include sports playing fields and the designation of areas for various types of public and private development and use such as active and passive recreation. The local planning commission shall, in the preparation of a comprehensive plan, survey and study road and transportation improvements and any estimated costs thereof. Furthermore, the comprehensive plan shall recommend methods of implementation, which may include, but need not be limited to, a recreation and sports resource map.

HB 1581 Interstate Route 81 Corridor; diversion of truck traffic.

An Act to require the Commonwealth of Virginia, through the Secretary of Transportation and the Rail Advisory Board, to complete a comprehensive feasibility plan to define the conditions that would be necessary to divert the maximum amount feasible of the long-haul, through-truck freight traffic to intermodal rail in the Interstate Route 81 Corridor. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HJ 75 U.S. Route 460 Communications Committee.

Extends the mandate of the US Route 460 Communications Committee until commencement of construction of the US Route 460 project as approved by the Commonwealth Transportation Board in November 2005.

SB 134 Towing and recovery; local-option regulations.

See summary for HB 1258, which is an identical bill.

SB 191 All-terrain vehicles and off-road motorcycles; owners must obtain title from DMV.

Amends and adds §§ in Title 46.2 and amends §§ in Title 58.1 to require non-dealer owners of all-terrain vehicles and off-road motorcycles powered by

gasoline or diesel engines displacing more than 50 cubic centimeters and purchased as new on or after July 1, 2006, to title their vehicles with DMV. All-terrain vehicles and off-road motorcycles are excluded from qualifying for personal property tax relief. HB 111 deals with similar code sections.

SB 193 Highway construction funds; allocation for rail projects.

Amends § 33.1-23.1 to allow the Commonwealth Transportation Board to allocate up to 10% of funds available for highway construction to undertaking and financing of rail projects that, in its determination, will result in mitigation of highway congestion. The General Assembly rejected gubernatorial amendments so the bill has been returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

SB 196 Highways; allows local employees to build that are funded by State.

Amends § 33.1-190 to provide that the Commonwealth Transportation Board may enter into written agreements with localities for the building and maintenance of any of the roads in any system of state highways by local employees provided that: (i) the locality has obtained a cost estimate for the work of not less than \$300,000 nor more than \$650,000 and (ii) the locality has issued an invitation for bid and has received fewer than two bids from private entities to build or maintain such roads.

SB 425 Interstate Public-Private Partnership Compact; created.

See summary for HB 801, which is an identical bill.

SB 454 HOV lanes; extends sunset provision for vehicles bearing clean special fuel license plates.

See summary for HB 1248, which is an identical bill.

SB 663 Transportation needs of populations with limited mobility; specific mobility goals to be addressed.

Adds § 33.1-23.03:0001 to require the Commonwealth Transportation Board, in cooperation with other local, regional, or statewide agencies and entities vested with transportation planning responsibilities, to establish specific mobility goals for addressing the transportation needs of populations with limited mobility and incorporate such goals in the development and implementation of the Statewide Transportation Plan required by § 33.1-23.03.

SB 699 Transportation planning; coordination of state and local.

See summary for HB 1513, which is an identical bill.

SB 712 Mopeds, motorcycles, etc.; localities to adopt ordinances regulating noise.

See summary for HB 366, which is an identical bill.

SB 720 Highway user fees; localities may establish.

Amends §§ 15.2-2001 and 33.1-12 to provide that, when the capacity of any system of state highways or a portion thereof is expanded, the Commonwealth Transportation Board may enter into agreements with localities, authorities, and transportation districts to establish highway user fees for highways that the localities, etc. maintain. The bill also allows any locality to establish highway user fees for highways that are not part of any system of state highways when such highway's capacity is expanded by construction or reconstruction.

SB 721 Highway improvements; expands present revenue-sharing fund program.

Amends, adds and repeals §§ in Title 33.1 to expand the present revenue-sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$1 million per locality, and the total limit on state funds is raised to \$50 million. Up to half of local contributions may take the form of proffers.

SJ 59 Route 1; need for improvements to public trans.

Requests the Department of Rail and Public Transportation to conduct a study for improved public transportation services to Fort Belvoir in Fairfax County and the Marine Corps Base at Quantico in Prince William and Stafford Counties. Study is contingent on funding in the Appropriations Act to assist impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 BRAC.

SJ 60 Road system; role of State and localities in meeting future transportation needs.

Establishes a joint subcommittee to study the role of the Commonwealth and its agencies in meeting Virginia's future transportation needs.

SJ 184 Interstate Route 95; construction and operation of controlled access highway.

Requests the Secretary of Transportation and the Commonwealth Transportation Commissioner to explore the feasibility and desirability of entering into an interstate compact for the construction and operation of a controlled access highway between Dover, Delaware, and Interstate Route 95 southwest of Charleston, South Carolina, with their counterparts in the states of Delaware, Maryland, North Carolina, and South Carolina.

Charters & legislation of limited application

HB 281 Colonial Heights; charter.

Amends §§ 4.4, 8.3, 8.11, and 10.5 to remove terms of appointment for the city clerk and the city attorney, and makes changes to the city's procurement practices. Identical to SB 591.

HB 445 Charter; Town of Iron Gate.

An Act to amend and reenact § 6 of Chapter 3, as amended, of Chapter 99 of the Acts of Assembly of 1940 to change references from "town sergeant" to "chief of police."

HB 474 Charter; Clifton Forge.

Amends §§ 3.4 and 3.7 of Chapter 124 of the Acts of Assembly of 2002 to move the regular election date for town council from May to November.
Emergency.

HB 621 Charter; City of Richmond.

Amends §§ in the Richmond City charter by (i) clarifying that the council may adopt the budget at either a regular or special meeting, (ii) deleting an additional requirement for introduction of ordinances at special meetings, (iii) clarifying the duties of the city attorney and explicitly granting authority to represent more than one city official, department, or other entity that are parties to the same transaction, (iv) granting the mayor authority to employ special counsel in instances where the city attorney has a conflict of interests (v) clarifying that the mayor or his designee may attend closed meetings of the council unless the council determines that such inclusion shall be detrimental to the purpose of the council's deliberations, (vi) requiring the chief administrative officer to attend, or be represented at, all open meetings of the council, (vii) making several clarifications to the budgetary process and (viii)

making numerous technical or housekeeping changes.
Emergency. Identical to SB 81.

HB 709 Waste containers; Roanoke may impose civil penalty for non-removal.

Amends § 15.2-928 to allow the City of Roanoke to impose a civil penalty without further notice for the non-removal of waste containers after the third notice, provided the third notice included an opportunity for the owner to be heard.

HB 871 Charter; Town of Altavista.

Amends and repeals §§ in the Town of Altavista charter to shift the time of council elections to November; allows council salaries to be set in accordance with the provisions of general law; eliminates certain supermajority voting requirements; deletes provisions related to the town sergeant and the school board; and makes numerous technical changes.
Emergency.

HB 998 Charter; City of Charlottesville.

Adds a § to the City of Charlottesville charter to grant new powers to the city for the purpose of providing housing for low-or moderate-income persons.
Identical to HB 998.

HB 999 Grievance procedure; Albemarle County ;administrative hearing officer.

An Act to allow Albemarle County to use an administrative hearing officer rather than a three-member panel to hear cases involving employee grievances.

HB 1002 School Board; Arlington County Board.

Amends §§ 22.1-32 and 22.1-47.4 and repeals §§ 15.2-702.1 and 15.2-1414.4 to provide that the procedure for determining the salary, reimbursements, and expenses allowed to each member of the Arlington County Board shall be the same procedure that exists for other counties in the Commonwealth. In addition, the bill provides the procedures by which the elected Arlington County School Board may set its members' salaries and grant itself fringe benefits, expenses, and reimbursements and sets a maximum salary of \$25,000.

HB 1010 Clifton Forge and South Boston, former Cities of; updates Code references.

Amends §§ in Titles 2.2, 15.2, 16.1, 17.1, 22.1, 24.2, and 55 to update Code references to the former cities

of Clifton Forge and South Boston to reflect their town status.

HB 1121 Charter; Town of Purcellville.

Amends Chapter 52 of the Acts of Assembly of 1968 to allow the town to appoint one non-resident to the board of architectural review.

HB 1157 Town of Stuart; charter.

Amends § 3 of Chapter 582 of the Acts of Assembly of 1952 to provide for staggered four-year terms of office for the mayor and town council members. The regular municipal election date for the mayor and town council is moved from May to November. The mayor and council members elected at the regular election in May 2006 will serve a term of office until December 31, 2008.

HB 1187 Single member electric authorities; distributing electric energy for retail sales.

Amends and adds §§ in Title 15.2 and amends §§ in Title 56 to amend the Electric Authorities Act.
Applies to an electric authority created by the Town of Elkton. Identical to SB 406.

HB 1188 Charter; Town of Elkton.

An Act to repeal the existing town charter and provides a new charter containing powers typically granted to towns. Identical to SB 405.

HB 1214 Grass and weeds; City of Williamsburg to require property owners to cut if excessively high.

Amends § 15.2-901 to add the City of Williamsburg, localities that may require that owners of occupied property cut grass, weeds and other foreign growth on the property and if a property owner, after reasonable notice, fails to do so the City may cut such grass, weeds or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property.

HB 1439 Charter; City of Norfolk.

An Act to allow city council to dispense with 16, rather than 12, of its weekly council meetings each year and changes the required vote from four-fifths to three-fourths for the sale of certain public property.

HB 1525 Vacant buildings; registration in Town of Pulaski.

Amends § 15.2-1127 to allow the Town of Pulaski, in conservation and rehabilitation districts, to require the owner of a building that has been vacant for a continuous period of 12 months to register such building and charge a fee not to exceed \$25. Failure to register may result in a civil penalty. The current provisions apply only to cities.

SB 23 Charter; City of Emporia.

Amends Chapter 78 of the Acts of Assembly of 1968, which moves the regular municipal election date for the mayor and city council from May to November. The current mayor and city council members will have their terms extended by six months.

SB 81 Charter; City of Richmond.

Identical to HB 621, which is an identical bill.

SB 147 Charter; Clifton Forge.

Amends Chapter 124 of the Acts of Assembly of 2002, which moves the regular election date for town council from May to November. As a result, the current council members shall have their terms extended by six months. In addition, the mayor and vice-mayor shall be elected by the council in January of each odd-numbered year. Thus, the current mayor and vice-mayor shall continue in office as mayor and vice-mayor, respectively, until the first meeting of the council in January 2007. **Emergency.**

SB 202 Charter; City of Charlottesville.

See summary for HB 998, which is an identical bill.

SB 283 Arts and cultural districts; includes Town of Chincoteague.

Amends § 15.2-1129.1 to add the Town of Chincoteague to those localities that may by ordinance establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Each locality may provide incentives for the support and creation of arts and cultural venues in the district.

SB 405 Charter; Town of Elkton.

See summary for HB 1188, which is an identical bill.

SB 406 Single member electric authorities; distributing electric energy for retail sales.

See summary for HB 1187, which is an identical bill.

SB 503 Town of Honaker; charter.

An act to provide a new charter for the town. The new charter contains provisions typically found in town charters and does not grant unusual powers.

Emergency.

SB 591 Colonial Heights; charter.

See summary for HB 281, which is an identical bill.